



## **Hennepin County Veterans Court Evaluation**

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## Executive Summary and Recommendations

This evaluation explores the outcomes of the Hennepin County District Court Veterans Court program. The following are key findings and recommendations from the evaluation, which focuses on 155 Veterans Court participants active in the program between 2010 and 2013 and completed the program two years before June 2016.

Hennepin County District Court initiated its Veterans Court program—the first of its kind in the state of Minnesota—in July 2010. Since then, there were 527 referrals to the program, with 341 of these referrals resulting in acceptance to the program. The graduation rate for participants who completed the program by June 2016 is 75.1%, well above the national average for treatment courts of about 50%.

*Finding 1:* The program is very successful in connecting participants to Veterans Administration (VA) services and benefits. Despite a majority of participants entering the program with some level of connectedness to VA services, almost half of participants saw an increase in benefits due to participating in Veterans Court. Furthermore, the percentage of participants not receiving benefits between program entry and exit dropped from 25.2% to 7.7%.

*Recommendation 1:* Maintain the strong links with the VA representatives on the Steering Committee and Court Team.

*Finding 2:* The Veterans Court program is not successful at reducing criminal recidivism when looking at all participants. Graduates of the program, however, do reoffend at lower rates.

*Recommendation 2:* Follow the recommendations below that directly apply to graduation rates.

*Finding 3:* Participants paired with a Veterans Court mentor are significantly more likely to graduate than participants who have no mentor during program participation. Unfortunately, the Hennepin County Veteran Court's mentor program was largely dormant throughout the follow up years of 2014 and 2015.

*Recommendation 3:* The Veterans Court team should work to expand the newly revamped mentor program as quickly as possible.

*Finding 4:* Native American participants have a lower graduation rate than other racial/ethnic groups (although the graduation rate of Native American participants has improved in recent years).

*Recommendation 4:* The program should work to connect Native American participants to more culturally competent treatment programs and services to reduce this graduation gap.

*Finding 5:* The program did not rigorously screen participants for illicit substances during its initial years, despite sobriety being a participant requirement and a central goal of the program.

*Recommendation 5:* The Veterans Court team should implement a more thorough drug-testing regimen, with a goal of truly random testing for all participants.

*Finding 6:* Veterans who enter the program unemployed or become unemployed during program participation are more likely to fail the program than participants who have more stable employment.

*Recommendation 6:* The Veterans Court team should identify participants who enter the program without a job or a precarious employment situation, and work to connect them with employment or vocational training services.

*Finding 7:* Veterans entering the program with more extensive criminal histories are less likely to complete the program.

*Recommendation 7:* The Veterans Court team should provide tailor program services and supervision levels according to criminal history, with additional supervision and services for participants with more prior convictions.

*Finding 8:* Participants entering the Veterans Court with gross misdemeanor charges are much more likely to graduate, while participants charged with misdemeanor level offenses have lower odds of completing the program successfully.

*Recommendation 8:* The Hennepin County Veterans Court program should adopt a validated risk/needs assessment to determine which misdemeanor offenders are appropriate for the program and to tailor services to participants' documented needs.



## INTRODUCTION

Since the inception of Drug Courts in the early 1990s, specialized treatment courts focusing on providing treatment and a heightened level of judicial review for program participants have expanded in number and scope.<sup>1</sup> At their most basic, the overarching aim of specialty courts is to simultaneously address and rectify the legal issues as well as chemical and mental health needs of participants in these programs. Through up-front investments in the participants combined with participant commitment to incorporate positive behavioral changes, these programs hope to facilitate long-term improvements for participants through reduced subsequent contact with the criminal justice system and enhanced mental and chemical health<sup>2</sup> outcomes.

One of the most recent innovations in the sphere of specialty treatment courts began in 2008 in Buffalo, NY, with a program designed to help veterans of the United States Armed Forces in the criminal justice system. Often termed Veterans Treatment Courts, these programs quickly proliferated across the United States, numbering 220 by June 2014.<sup>3</sup> Veterans Treatment Courts follow the model of Drug Courts by providing specialized services to meet the individual needs of program participants in an environment that emphasizes United States military values and culture.

Hennepin County District Court initiated its Veterans Court program—the first of its kind in the state of Minnesota—in July 2010. This therapeutic jurisprudence model gives veterans of the US Armed Forces the opportunity to participate in a rigorous program of regularly scheduled judicial reviews and additional requirements—such as treatment and/or random drug and alcohol testing—with the incentive of enhancing life stability and potentially receiving a reduced criminal charge or sentence. The *Two Year Review of the Hennepin County Veterans Court Program*—which was not a full-scale program evaluation—generally found that the program was on track to meet its goals,<sup>4</sup> however, at that time, there were an insufficient number of individuals who had exited the program to perform a thorough

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<sup>1</sup> See: <http://www.nadcp.org/learn/what-are-drug-courts/drug-court-history>

<sup>2</sup> The Diagnostic and Statistical Manual (DSM) terminology for describing substance dependency was updated in 2013 to “Substance Use Disorder.” Many participants in the evaluation cohort had a substance use diagnoses under the prior DSM-IV nomenclature. This evaluation attempts to use the DSM-V terminology for chemical dependency throughout.

<sup>3</sup> See: <http://www.justiceforvets.org/vtc-history>

<sup>4</sup> See:

[http://www.mncourts.gov/mncourtsgov/media/assets/documents/4/reports/Veterans\\_Court\\_Two\\_Year\\_Review.pdf](http://www.mncourts.gov/mncourtsgov/media/assets/documents/4/reports/Veterans_Court_Two_Year_Review.pdf)

evaluation. By June 2016, 155 individuals had exited the program at least two years prior, providing an opportune sample with which to evaluate whether the program was meeting its stated goals using rigorous methodology.

The following document provides a full-scale program evaluation of the Hennepin County District Court Veterans Court program. It begins with an overview of the program, which describes the program's goals and mission, the process of referral and acceptance, and explains how participants proceed through the program. Next, a robust overview of the 155 participants in the evaluation sample is presented, which examines participant demographics, criminal history, and military service background. After a description of the participants, this study analyzes whether the outcomes of program participants are congruent with the stated goals of the Hennepin County Veterans Court program. Furthermore, to gain a deeper understanding of the effectiveness of the program, this study contrasts the outcomes of Veterans Court participants with a matched comparison group of US Armed Forces veterans who did not participate in the program, which represents an important innovation of Veterans Treatment Court evaluations. This evaluation concludes with a series of recommendations and proposed policy refinements to help the program meet its goals going forward.

## **OVERVIEW OF THE HENNEPIN COUNTY DISTRICT COURT VETERANS COURT PROGRAM**

The mission of the Hennepin County District Court Veterans Court Program is:

...to promote public safety and assist and support veterans and their families by creating a coordinated response through collaboration with the veterans' service delivery system, community based services, and the criminal justice system.

The specific goals of the program are to:

- 1) Facilitate participant sobriety
- 2) Increase compliance with treatment and other court ordered conditions
- 3) Improve access to VA benefits and services
- 4) Improve family relationships and social support connections
- 5) Improve life stability
- 6) Reduce criminal recidivism

The Hennepin County Veterans Court is a voluntary pre-adjudication and post-sentencing program that utilizes a multi-faceted approach to court supervision. It consists of intensive supervision by a dedicated probation officer, referral and case management services provided by the Veterans Administration Medical Center, periodic appearances before the Veterans Court judge, mandatory chemical and/or mental health treatment support (when applicable), and abstention from alcohol and illicit drugs (backed by random drug and alcohol testing).

The Hennepin County Veterans Court uses a series of specific guidelines to identify and admit defendants into the program. While defendants need not be eligible for Veterans Administration benefits to qualify for the program, potential participants must:

- Be currently serving or have served in the United States Armed Forces
- Be a resident of Hennepin County, MN (although the team can waive the residence requirement)
- Be at least 18 years of age
- Be charged with a criminal offense in Hennepin County
- Consent to participate in the Veterans Court program
- Not dispute the factual or legal basis of the criminal charges
- Have the prosecutor and defense attorney consent to transferring the case to Veterans Court
- Have a treatable behavioral/mental health and/or substance abuse issue that the defendant is willing to address via a treatment plan recommended by the Veterans Court team

Regarding prior military service and Veterans Court eligibility across the US, “[Veterans Treatment Courts] appear to vary in their definition of ‘veteran,’ often depending on discharge status, which is related to VA eligibility and not actual *need* for services” (Baldwin 2016: 730, emphasis in original). One important aspect of the eligibility criteria for the Hennepin County Veterans Court program is that individuals referred to the program need not be eligible for VA services. To ensure that the program serves the widest number of individuals with a documented need for services, the program uses a very broad definition of “veteran” for eligibility, whereby potential participants simply need to have at least some level of documental military service.

Certain factors preclude defendants from participation in the program. Specifically, defendants are not eligible for the Hennepin County Veterans Court if:

- They face a mandatory or presumptive prison sentence for the alleged offense, according to the Minnesota Sentencing Guidelines Commission
- They have been identified as a Level 3 Predatory Offender as determined by the Minnesota Department of Corrections, or they are charged with a felony level criminal sexual conduct offense
- They are on supervised or conditional release following a prison commitment

Although the program is not employing a validated risk/needs assessment tool to ensure the program is referring high-risk/high-need individuals (discussed in the recommendation section below), the fact that the program potentially accepts all but the most egregious criminal offenders helps the program refrain from cherry-picking defendants who are most likely to succeed.<sup>5</sup> By not restricting eligibility to the program by military discharge type and by allowing the vast majority of criminal offenders regardless of offense level, the Hennepin County Veterans Court program is actively pursuing participants who may be more prone to program failure and extending services to defendants with fewer options.

Yet, meeting the eligibility requirements does not guarantee a defendant referral to the program. For eligible defendants, referral to the program requires the agreement of the prosecuting and defense attorneys, the defendant, and the referring judge. After referral to the program, a Veterans Court screener from the Hennepin County Department of Community Corrections and Rehabilitation (DOCCR) completes an assessment of the defendant that culminates with a written report to the Veterans Court team summarizing the findings and highlighting the defendant's criminal, personal, and military history.<sup>6</sup> A specialist from the Veterans Justice Outreach (VJO)<sup>7</sup> also assesses the

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<sup>5</sup> In contrast, the Veterans Court evaluated by Hartley and Baldwin (2016) restricted the program to defendants facing misdemeanor charges.

<sup>6</sup> The DOCCR assessment consists of a long form interview with the defendant, verification of military service history and VA benefit status, a check of the defendant's criminal history and previous/current utilization of Hennepin County services, and a determination of whether the defendant meets the Veterans Court eligibility criteria.

<sup>7</sup> The Veterans Justice Outreach program was created in 2009 "to avoid unnecessary criminalization of mental illness and extended incarceration among Veterans by ensuring that eligible Veterans in contact with the criminal justice system

defendant and presents the findings to the Veterans Court team during pre-court staffing (discussed in more depth below).<sup>8</sup>

With this information in hand, the Veterans Court team discusses whether to admit the defendant to the program. When the team chooses not to accept the defendant, the case goes back to the court calendar in which it began. If the team accepts the defendant into the program, the next steps depend on the type of charged offense.

For defendants charged with felony level offenses that are not a drug or property crime, the case goes back to the original judge for resolution and sentencing with the information that the Veterans Court team will accept the defendant if sentenced into the program. After sentencing, the original judge can send the case back to Veterans Court, which begins the participant's tenure in the program in the Supervised Phase (explained below). Defendants accepted to the program and charged with a misdemeanor, gross misdemeanor, or drug/property felony are placed on Conditional Release to Veterans Court (see below). Assignment of a Veterans Court probation Officer occurs upon acceptance to the program and after the defendant signs the Participant Agreement.<sup>9</sup>

Once officially in the program, the participant meets with the dedicated Veterans Service Officer to determine eligibility for additional veterans' benefits through the Veterans Administration. The team refers participants eligible for VA services to the VA Medical Center, with the expectation they attend all appointments and services. For participants who are ineligible for VA benefits, the assigned probation officer refers participants to community-based services.

One of the main facets of participation in the Veterans Court program is appearing for a series of regular judicial review hearings to monitor compliance with program requirements. Typically, the

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have access to Veterans Health Administration mental health and substance abuse services" (Department of Veterans Affairs 2009).

<sup>8</sup> The VJO assessment consists of an interview with the defendant, a check of the VA system to determine current or historical service utilization at the VA Medical Center, and a check of the defendant's history of compliance with VA care and programming.

<sup>9</sup> Additionally, individuals currently on supervision with DOCCR after a convicted offense are eligible for referral to Veterans Court in the event of a probation violation or a post-disposition offense. These probation referrals go through the screening and team decision process outlined above. If accepted, a Veterans Court probation Officer will assume supervision of the participant with the appropriate probation terms and conditions modified accordingly.

judge will spend several minutes hearing updates from the participant and the participant's probation officer during these judicial reviews. While the judge can reward positive behavior with incentives, the judge also has the authority to sanction participant behavior that runs counter to court requirements. Specifically, once in the Hennepin County Veterans Court program, all participants must:

- Remain law abiding<sup>10</sup>
- Abstain from alcohol and illegal drugs
- Comply with the tenets of their individual treatment plan<sup>11</sup>
- Take all medication as prescribed
- Maintain contact with probation
- Submit to all drug and alcohol testing as ordered by the Court and directed by probation
- Cooperate with unscheduled home visits by probation and/or law enforcement
- Pay fines, fees, and restitution as ordered by the Court
- Reside in the metropolitan area with accessibility to the Court, probation, and VA services
- Inform the court of address changes
- Complete sentence-to-service or community service as ordered
- Attend self-help or community support groups<sup>12</sup> as ordered
- Participate in training and education as ordered
- Seek stable and sober housing
- Adhere to a curfew as ordered
- Be respectful to the Veterans Court team and other Veterans Court participants at all times

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<sup>10</sup> If a participant picks up a new criminal charge while active in Veterans Court and is unable to resolve the new case with the Veterans Court team, the new case returns to the appropriate criminal court calendar for disposition and sentencing while Veterans Court continues processing the original case continues. If the resolution of the new case includes a probation sentence, the participant's assigned Veterans Court probation Officer will supervise probation. When the new charge meets the disqualification criteria listed above, the original case(s) leaves Veterans Court until the new case is resolved. If the disposition of the new case does not violate the eligibility criteria mentioned above, the cases can return to Veterans Court after resolution.

<sup>11</sup> The VA, community-based treatment providers, probation, and/or the Veterans Court team can establish components of the treatment plan, which could include mental health, substance abuse, domestic violence, or anger management treatment/programming

<sup>12</sup> E.g. AA, NA, CA, SMART Recovery, etc.

While failure to comply with these provisions can lead to sanctions, participants adhering to these requirements and making satisfactory progress advance through the program's phases towards graduation.

### Court Phases

The Hennepin County Veterans Court Program has three basic phases: the Conditional Release Phase,<sup>13</sup> the Supervised Phase, and the Administrative Phase.<sup>14</sup> As noted below, not all participants follow the same phase progression through the program.

#### *Conditional Release Phase*

Defendants who enter the Hennepin County Veterans Court program before their cases are resolved begin their tenure in the Conditional Release Phase. Defendants entering the program in the Conditional Release Phase can opt out anytime during their first three Veterans Court judicial reviews or 90 days from their first appearance.<sup>15</sup> Once participants have appeared three times before the Veterans Court Judge or have exceeded the 90-day interval, they can no longer opt out of the program. During this window, participants are responsible for complying with all of the conditions and requirements of Veterans Court, and the Veterans Court Judge can sanction these participants for non-compliance.

All told, the Conditional Release Phase can last up to six months. If a participant's criminal case is not resolved within six months of entry to the program, the case returns to the appropriate criminal court calendar for resolution,<sup>16</sup> which allows advancement to the Supervised Phase.

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<sup>13</sup> Some participants will not participate in the Conditional Release phase due to the severity of the charge that brought them into Veterans Court or if their case is resolved prior to entering the program. These participants will effectively begin their participation in the Supervised Phase.

<sup>14</sup> While these phases represent how participants proceed through the program at the time of writing, the Veterans Court phases were not explicitly codified during the era in which the participants in this evaluation were active in Veterans Court, thus there is no information on phase advancement in this evaluation.

<sup>15</sup> This opt-out clause exists because a judge has not formally sentenced a participant to the Veterans Court program at this point.

<sup>16</sup> Participants remain active in the program while their cases are sent back to a non-Veterans Court calendar for resolution.

### *Supervised Phase*

Typically, once a judge sentences a participant to Veterans Court, the participant begins the Supervised Phase of the program. At this point, the participant can no longer opt out of Veterans Court. In accordance with court requirements, participants must continue to meet regularly with their probation officer and attend all scheduled judicial reviews. Furthermore, participants eligible for VA benefits must attend all screenings, groups, treatment, and appointments as recommended by Veterans Administration Medical Center staff.<sup>17</sup> Participants who are not eligible to receive VA benefits will work with probation to assess treatment needs and, if necessary, attend treatment, therapy, and/or aftercare. Judicial reviews tend to become less frequent for participants proceeding satisfactorily through the Supervised Phase, and participants meeting certain milestones can graduate from this phase and advance to the Administrative Phase.

### *Administrative Phase*

After meeting the graduation requirements specified below, participants remain on administrative probation with their Veterans Court probation officer. Although no longer subject to judicial reviews, participants in the Administrative Phase are required to remain law abiding and must adhere to any additional requirements deemed appropriate by the Veterans Court judge (e.g. continued abstinence from alcohol and illicit drugs). The Administrative Phase continues until probation expires or the Veterans Court judge orders early discharge from probation. Participants who continue to demonstrate positive behavioral changes developed during Veterans Court and who have not picked up new criminal charges can request early discharge from probation, thereby fully ending their tenure in Veterans Court.

### *Graduation Requirements*

In order to move from the Supervised to the Administrative Phase—which effectively allows participants to graduate from the Hennepin County Veterans Court program—participants must satisfy several general requirements. First, participants must have resolved all pending criminal court cases. In addition, participants must not have garnered any new criminal charges for at least six months

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<sup>17</sup> The Veterans Justice Outreach Specialist will work with participants to facilitate screenings and appointments.



and must have demonstrated sobriety for at least six months. Finally, on an individual basis, participants must have adhered to all specific Veterans Court conditions ordered by the judge. Upon graduation from the Supervised Phase, participants receive a graduation certificate and a commemorative coin, and have the opportunity to address the courtroom to reflect on their tenure in Veterans Court and the positive changes they have made since beginning the program.

### *Termination Criteria*

Participants who fail to comply with program requirements are subject to termination from the program. Ahead of program termination, the Veterans Court team will work with the participant to improve motivation and performance. The Veterans Court team rarely terminates participants before exhausting all avenues to enhance their success. In addition, when participants are absent from the program for a year, the Veterans Court team discusses the case and the Veterans Court judge ultimately decides whether to not complete the participant.<sup>18</sup> While participants cannot opt out of Veterans Court once they reach the Supervised Phase, they can request execution of their sentence, which effectively ends their tenure in Veterans Court.

### *Program Re-engagement*

Participants who graduate or fail to complete the program are eligible for subsequent participation in Veterans Court. Graduates who violate the terms of their probation or pick up a new criminal charge can have the case referred to the Veterans Court team via the process described above and—if accepted—begin a new tenure in the program. Participants previously terminated for non-compliance or prolonged absence from the program can also have their case(s) re-referred to the program pending approval from the team.<sup>19</sup>

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<sup>18</sup> Defendants terminated from the program for being absent can request reinstatement to the Veterans Court program once they return to Hennepin County District Court. The Veterans Court judge, with input from the team, decides whether to reinstate the defendant and impose appropriate sanctions (which can include execution of the participant's entire sentence).

<sup>19</sup> Participants who previously failed to complete the program who get re-referred to Veterans Court likely have to justify what changes they have made in their lives that will enhance the prospects for success.

## **THE VETERANS COURT PROGRAM IN ACTION: REVIEW HEARINGS AND THE VETERANS COURT TEAMS**

Court sessions for the Hennepin County Veterans Court program take place every week. Except under extraordinary circumstances, participants only appear in court at regularly scheduled intervals. The frequency of these court appearances largely depends upon how long the participant has been in the program and how well the participant is faring in the court. The goal is that review hearings become less frequent the longer a participant is active in Veterans Court and complies with program requirements. When first accepted, participants are generally required to attend review hearings every 30 days. Participants making satisfactory program progress who are nearing graduation might have as long as 90 days between scheduled judicial reviews. Participants whose compliance with program requirements is lacking are subject to more frequent review hearings, potentially having to appear in court weekly. Team members, particularly the participant's probation officer, discuss and agree on the frequency of the judicial reviews.

The creation of policies guiding the day-to-day operations of the programs and the carrying out of these policies are the responsibilities of two different—but often overlapping—teams: The Steering Committee and the Court Team.

### *Steering Committee*

The Veterans Court Steering Committee is a group of high-level representatives from the different departments and bureaus that have a stake in the program.<sup>20</sup> This group meets monthly with the general mission of monitoring adherence to the program's established policies and procedures, as well as compliance with the standards and best practices guiding Veterans Treatment Courts. The Steering Committee discusses, decides, and implements all potential policy changes.

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<sup>20</sup> While all interested parties may attend and participate in Steering Committee meetings, the voting members of the committee are the presiding judge, the coordinator, the probation supervisor, the VA Justice Outreach specialist, the Hennepin County Veterans Service Officer, VA Benefits representative, the mentor coordinator, the Minneapolis City Attorney, the Hennepin County Attorney, the Hennepin County Public Defender, the Minneapolis Police Department representative, the Minnesota Department of Education and Employment Development (DEED) representative, and the Hennepin County District Court research analyst.

### *Court Team*

Whereas the Steering Committee sets the policies and procedures for the Veterans Court program, the Court Team is responsible for carrying out these policies in the courtroom. The Court Team meets before the weekly court session for staffing, where they discuss the progress of the participants appearing in front of the judge that day. In addition, the Court Team decides whether to accept defendants into the Veterans Court program and determines when participants are ready to graduate. While members of the Court Team can recommend sanctions or termination for participants who do not comply with program requirements, the Veterans Court judge is solely responsible for imposing sanctions for non-compliance, up to and including termination from the program.

### *Six Years of the Hennepin County Veterans Court Program*

Since the Hennepin County Veterans court began, there have been three different presiding judges. Furthermore, after about two years of operation, a formal Veterans Court Coordinator position was established. The policies, procedures, and program phases of Veterans Court have evolved throughout the six years the court has been in operation, which carries implications for this evaluation. Many aspects of the current array of Veterans Court policies and procedures catalogued above were not in place when individuals in the evaluation cohort were active participants. For example, the opt-out rules described above were different for the participants evaluated below than for current Veterans Court participants. While current participants not facing serious felony charges can opt out during their first three hearings or 90 days, the individuals in the evaluation sample could opt out of the program at any point prior to graduation and have their case return to traditional criminal court. In addition, the Steering Committee codified the phase structure described above only after the individuals in the evaluation sample left the program. Due to the program's evolution, the findings of this evaluation apply to a different set of policies and procedures than described above.

From July 2010 to June 2016, there were 526 referrals to the Hennepin County Veterans Court program.<sup>21</sup> Nearly two-thirds (64.8% or 341) of these referrals resulted in acceptance to the program, while 186 of these referrals did not. Of the 341 admittances to the program, 60.9% (208) resulted in a

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<sup>21</sup> These referrals do not represent unique individuals. Several individuals had multiple referrals to the program.

successful graduation from the program, 20.2% (69) failed to complete the program successfully, 2.2% (7) died during participation, with the remaining 16.4% (56) as active participants. Looking exclusively at those who exited the program, the graduation rate between July 2010 and June 2016 was 75.1%, well above the national average Drug Court graduation rate of about 50% (Mitchell et al. 2012).

The acceptance rate for the program during this period was 64.1%. While the rationale for non-acceptance were not documented in all instances, the most common reason was because the defendant was not interested in the program and/or refused to participate. The second most common reason for non-acceptance was for defendants failing to appear at the required screening. Thus, defendants themselves were typically the main reason for non-acceptance to the program; indeed, in only a handful of documented cases did team members object to accepting a referral.

## **RESEARCH DESIGN**

At its most basic, the purpose of this evaluation is to determine whether the program is meeting its goals of facilitating participant sobriety, increasing participant compliance with treatment and other court-ordered conditions, improving participant access to VA benefits and services, improving family relationships and social support connections, improving life stability, and reducing criminal recidivism.

### The Sample

This evaluation examines the outcomes for 155 program participants who participated in Veterans Court between 2010 and 2013 and exited the program at least two years before 2016. Although best practices suggest examining a three-year post-program window to assess program effectiveness,<sup>22</sup> this was not feasible for the present study. Given that Veterans Court began in Hennepin County in 2010 and that participants spend an average of about twelve months in the program, there would have been too few individuals with three years of “street time”<sup>23</sup> to draw reliable results. Nevertheless, two years of follow-up represents an adequate window of time to demonstrate whether the program is meeting

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<sup>22</sup> See: <http://www.nadcp.org/Standards>

<sup>23</sup> The term “street time” refers to the amount of time that offenders were not in jail, since incarcerated individuals are much less capable of committing new crimes.

its goals, especially since most of the program goals pertain to the time when participants are active in the program.

By comparing Veterans Court participants to a matched comparison sample of military veterans who did not participate in the program identified through the propensity score matching technique, this study overcomes a significant limitation of the *Two Year Review of the Hennepin County Veterans Court Program*.

While propensity score matching still falls short of the “gold standard” of random assignment, including a statistically matched comparison group of veterans represents an important innovation of this study. Indeed, Veterans Court evaluations typically lack a matched comparison group of veterans who were not Veterans Court participants. Furthermore, when evaluations have made use of matched comparison groups, they have compared program participants against individuals who chose not to participate after a referral to the program (e.g. Hartley and Baldwin 2016), which does not accord with NADCP’s standards for equivalent and unbiased comparison groups (NADCP 2015).

## Methods

This study evaluates the effectiveness of the Hennepin County Veterans Court program using a variety of methods. At the most basic level, this study shows the longitudinal arc of program participants from acceptance to exit, contrasting participants with themselves before and after Veterans Court. Specifically of interest is the degree to which Veterans Court participants improved certain life quality metrics, such as employment status, housing status, educational attainment, and prosocial activities/relationships, in accordance with the program’s stated goals.

In determining whether the program met its goal of reducing criminal recidivism, this study examines whether program participants had fewer post-Veterans Court convictions than the comparison group. As explained below, the comparison sample was statistically similar to the Veterans Court cohort. Moreover, no comparison group members had prior referrals to any of Minnesota’s treatment courts (such as Drug Court, DWI Court, or Mental Health Court).

Having a comparison group that is statistically identical to the Veterans Court cohort will allow us to determine whether there was a beneficial “program effect” of the Hennepin County Veterans Court program. Also analyzed is how quickly and how often the respective samples reoffend.

This study also analyzes the factors that predict program success or failure via regression analysis. Understanding the program features that enhance participants’ prospects for success as well as the participant attributes associated with higher rates of failure can help the Hennepin County Veterans Court tailor its policies, procedures, and services to give every participant the upmost opportunity to graduate.

### Data Sources

Data for this evaluation come from a variety of sources:

- *Veterans Court Policy and Procedure Manual*. This handbook explains the processes of referral and acceptance to the program, as well as the basic outlines of how the program works. As the guiding document for how the program is meant to function in practice, the *Manual* helps discern the degree to which court policies and procedures are followed and whether these policies need fine tuning in response to the outcomes in this study
- *MNCIS (Minnesota Court Information System)*. Demographic and criminal case information for the Veterans Court cohort and the comparison group comes from Minnesota’s Court-management Information System. This statewide database was also used to compile information on criminal history and recidivism for the Veterans Court cohort and the comparison group as well as an array of demographic factors
- *Veterans Court Screening Documents*. As mentioned above, a member of the Hennepin County DOCCR screens individuals referred to the Veterans Court program. These data typically include information about branch of military service, rank, deployment history, whether or not they saw combat, and military discharge type
- *Hennepin County District Court Treatment Court Database*. In late 2014, the Hennepin County Research Department developed a database containing information for former and current participants in all four Treatment Courts (Veterans, Criminal Mental Health, DWI, and

Drug).<sup>24</sup> Information for prior Veterans Court participants was obtained from multiple sources:

- *Veterans Court database maintained by DOCCR.* Through 2013, the Hennepin County DOCCR collected data on Veterans Court participants at entry and exit. The relevant data points were transferred from DOCCR's database to the Research Department database
- *Probation data questionnaires.* In order to get participant information that was not in the DOCCR Veterans Court database, DOCCR staff undertook an extensive examination of Veterans Court participant records and completed paper forms containing necessary intake and exit data during the summer of 2015.
- *Court Services Tracking System (CSTS).* DOCCR stores information about individuals on probation in their information system named CSTS. While this system primarily provided information about drug test results, the detailed client case notes written by probation officers helped corroborate other participant data.

### Limitations

One large limitation of this study is that the VA was unable to provide military service information and VA service utilization for the comparison sample (explained in more detail below). Veterans Court participants sign a consent form that allows data sharing between the VA and justice system partners for a specified amount of time, which allows the Veterans Court Team to access a host of data about program participants. Because the individuals in the comparison group did not consent to any type of data sharing, their protected information remains private. These data privacy rules even precluded the VA from providing aggregate data about the comparison group without any individual identifying information. In addition, no data on housing status, employment, or education history were available for the comparison group.

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<sup>24</sup> A dedicated employee keeps this database up to date, which will facilitate the expedient completion of future Treatment Court evaluations.

Unfortunately, since evaluations are retrospective in nature, some information is missing for some participants despite the best efforts of the DOCCR Veterans Court team to collect as much historic data as possible.

In addition, the calculation of “street time” for the recidivism window (explained in more detail below) relied on certain assumptions. Specifically, while the recidivism window was two years, the Research Division took pains to account for the number of days individuals spent in jail during this window and were unable to recidivate. The two-year street time window considers the number of days an individual spent in jail to ensure that everyone had a full 730 days of non-incarcerated street time during which to reoffend. One limitation is that MNCIS does not capture jail days for individuals who might have spent time in jail for non-convicted offenses; that is, incarceration time is only available for individuals arrested, booked, and subsequently convicted of the charge. However, this limitation affects both the Veterans Court cohort and the comparison group in similar ways, and there is no reason to suspect that one group would have more or less non-recorded jail time than the other group.

Much of this evaluation examines the outcomes of Veterans Court participants, categorizing these individuals by whether they graduated from the program or failed to complete the program. However, not all non-completers failed to graduate for the same reason. As mentioned above, the Steering Committee implemented the 90-day/three hearing opt out window only after the participants in this evaluation exited Veterans Court. Prior to this rule, participants not charged with serious felony offenses could opt out of the participation at any point prior to graduation. Thus, there are dual reasons why participants failed to graduate from Veterans Court—termination for non-compliance or voluntary withdrawal—that are potentially distinct: whereas all terminated participants failed to comply with program rules in some capacity, some individuals who chose to opt out likely left the program in good standing. Unfortunately, data about why individuals did not complete the program are not available for all participants in the evaluation sample, making it impossible to discern the terminated participants from those who opted out. Regardless of the reasons for program exit prior to graduation, both types of non-completers ultimately failed to complete the program in its entirety. As a result, the evaluation section categorizes participants as graduates or non-completers depending on their outcome and refrains from using the label “terminated” for the latter group.



Despite these limitations, the addition of a matched comparison groups—even without military service information, VA treatment utilization, or life stability metrics—allows us to have a high degree of confidence in the results presented below. Furthermore, the fact that “there is currently a dearth of research on [Veterans Courts] in general” ensures that the this study—by virtue of its rigorous methodology—is an important addition to the extant Veterans Court literature (Baldwin 2016: 735).

## DEMOGRAPHIC PROFILE OF VETERANS COURT COHORT

Before analyzing whether the program is or is not meeting its goals, this study examines the profiles of the 155 Veterans Court participants in the evaluation sample in detail via side-by-side comparisons of graduates and non-completers.

### Gender

Overall, the Veterans Court participants in this study are overwhelmingly male, as Table 1 below demonstrates. Specifically 150 (96.8%) of the participants in the evaluation sample are male, while five (3.2%) are female. While the population of the US military as a whole is predominantly male, 16.5% of Active Duty and Selected Reserve members are female (Department of Defense 2014: 6), which is five times greater than the proportion of females in the Veterans Court program. However, given that the criminal defendant population also skews heavily in favor of men, the large gender disparity in the Hennepin County Veterans Court program is hardly surprising. The paucity of female participants renders it difficult to discern whether gender affects program outcomes.

**Table 1:** Gender Breakdown of Veterans Court Participants

	Non-Completers	Graduates	Total (% of Total)
Female	2	3	5 (3.2%)
Male	34	116	150 (96.8%)

### Race

Table 2 below documents the self-reported race/ethnicity of the Veterans Court participants in this study. The largest racial categories in Veterans Court are White (65.8%) and African American

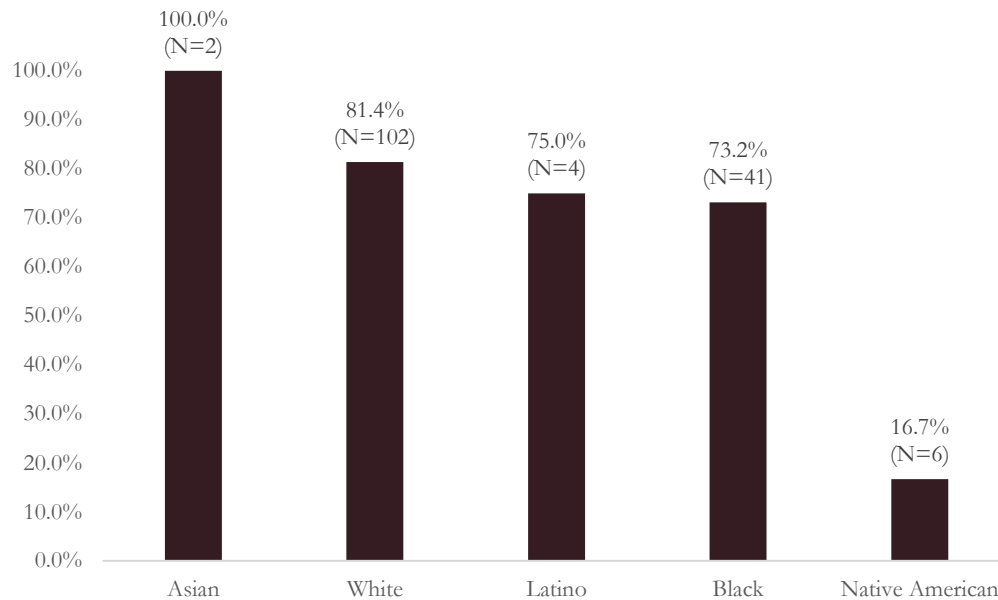
(26.5%), which is unsurprising given that these groups comprise the two largest racial groups in the US Armed Forces, (71.0% and 16.8%, respectively) (Department of Defense 2014: 7).

**Table 2: Race/Ethnicity Breakdown of Veterans Court Participants**

	Non-Completers	Graduates	Total (% of Total)
Native American or Alaskan Native	5	1	6 (3.9%)
Asian	0	2	2 (1.3%)
Black or African American	11	30	41 (26.5%)
Hispanic/Latino	1	3	4 (2.6%)
White	19	83	102 (65.8%)

Figure 1 below looks at the program success rate (the proportion of participants from each racial/ethnic group who completed the program successfully) of the various racial and ethnic groups. This figure displays the major difference in success rates for Native Americans. Whereas all other racial and ethnic groups had a success rate in the program of at least 73%, the success rate for Native Americans was only 16.7%. Although the number of Native American participants in the sample is quite small, there is a meaningful difference between Native Americans and all other racial/ethnic groups by program outcome, whereby Native Americans are more likely to end up not completing the program. That said, the program has made progress in recent years homogenizing the graduation rate across the different racial and ethnic categories. Of the six Native American participants who exited Veterans Court after 2014, four graduated (66.7%) while two did not complete the program (33.3%). Although this represents a marked improvement, the graduation rate for these Native American participants still lags behind the average graduation rate for all participants for this period (69.6%). Given the higher non-completion rates of Native American participants—despite the small sample size—one recommendation of this study is to examine ways to integrate culturally competent programming or other services to help keep reducing the graduation gap for Native American participants.

**Figure 1:** Veterans Court Success Rates, by Racial/Ethnic Group



### Age

Table 3 below contains descriptive statistics for the age of participants at the time of program acceptance. The average age for all participants when they came into the program was 43.4 years. The youngest participant was 20 and the oldest was 66. While non-completers tended to be slightly older at the time of acceptance into Veterans Court than program graduates were, the difference was not statistically significant.

**Table 3:** Age of Veterans Court Participants, Descriptive Statistics

	Mean	Minimum	Maximum	Std. Dev.
Graduates	43.0	20	66	13.5
Non-Completers	44.6	22	63	12.9
All Participants	43.4	20	66	13.3

## Employment

Table 4 examines the employment status of participants at the beginning of their tenure in Veterans Court. Overall, participants were somewhat bifurcated in their employment status at program entry, whereby a plurality of participants were unemployed (29.0%) followed closely by participants who were employed on a full-time basis (27.1%).

It is worth noting that individuals who began the program working full- or part-time tended to graduate at very high rates, suggesting that these participants might be primed for success and may need fewer services or attention than individuals who have less stable employment statuses at entry.

**Table 4:** Employment Status at Veterans Court Entry

	Non-Completers	Graduates	Total (% of Total)
Unemployed	16	29	45 (29.0%)
Disabled	9	21	30 (19.4%)
Retired	0	6	6 (3.9%)
Student	2	7	9 (5.8%)
Part-time	1	17	18 (11.6%)
Full-time	6	36	42 (27.1%)
Unknown	2	3	2 (3.2%)

## Education

As Table 5 indicates, it was most common for Veterans Court participants to have taken some college courses (but did not graduate) when they began the program (37.4%), followed by about 30% of participants who were high school graduates/GED recipients. Although the vast majority of individuals who entered the program with at least a two-year degree completed the program successfully, so did 80% of individuals who had not graduated high school (albeit with a much smaller sample size). Similar to employment status, participants who enter the program with at least a 2-year degree graduate at high rates, suggesting that it could be appropriate to divert certain program resources from participants with a higher level of education.

**Table 5:** Education Status at Veterans Court Entry

	Non-Completers	Graduates	Total (% of Total)
Less than High School	2	4	6 (3.9%)
High School Diploma/GED	17	29	46 (29.7%)
Some College	12	46	58 (37.4%)
Two-Year Degree	2	23	25 (16.1%)
Four-Year Degree and Up	3	17	20 (12.9%)

### Housing Status

A majority of Veterans Court participants had independent housing when they began the program (56.8%), as Table 6 displays. Living with a relative or friend was also quite common at the time of Veterans Court entry (26.5%). Program success was highly correlated with individuals in both of these housing statuses. On the face of things, individuals who were homeless at the outset of Veterans Court are less likely to complete the program than to graduate, which is problematic given that many veterans struggle with homelessness (Wilder 2016). As a result, participants entering the program with precarious housing may require additional or different services than those who enter the program with stable housing.

**Table 6:** Housing Status at Veterans Court Entry

	Non-Completers	Graduates	Total (% of Total)
Homeless	10	5	15 (9.7%)
Residential Facility	4	7	11 (7.1%)
Relative/Friend	7	34	41 (26.5%)
Independent	15	73	88 (56.8%)

## Offense Type

Overall, it was most common for participants to enter Veterans Court facing gross misdemeanor charges (45.2%, 70 out of 155). Misdemeanor charges were slightly less common (35.4%, 55 out of 155), while the number of participants facing felony level charges lagged behind (19.4%, 30 out of 155). As Table 7 shows, the most common specific offense types for Veterans Court participants were Gross Misdemeanor DWIs (35.5%) followed by Other Felonies (19.4%), Other Non-Traffic Offenses (15.5%), Misdemeanor Domestic Assaults (14.8%), Other Gross Misdemeanors (9.7%), and Misdemeanor DWIs (5.2%).

**Table 7:** Charge Level at Disposition for Veterans Court Instant Offense

	Non-Completers	Graduates	Total (% of Total)
Other Non-Traffic*	8	16	24 (15.5%)
Misdemeanor DWI*	2	6	8 (5.2%)
5 <sup>th</sup> Degree Assault*	9	14	23 (14.8%)
Other Gross Misdemeanor	2	13	15 (9.7%)
Gross Misdemeanor DWI	4	51	55 (35.5%)
Other Felony	11	19	30 (19.4%)

\* Denotes the charge is a misdemeanor level offense

As analyzed below in more detail, misdemeanant participants are less likely to complete the program than those facing gross misdemeanors or felonies. In contrast, gross misdemeanant participants are significantly more likely to succeed than those facing misdemeanor or felony charges. The diverging success rates of participants with different instant offenses offers some important policy implications explored in more depth in the recommendation section below.

## Prior Convictions

Table 8 provides descriptive statistics for the criminal history of the Veterans Court participants at program entry. The top three-fourths of Table 8 display the average number of prior misdemeanor, gross misdemeanor, and felony convictions for Veterans Court participants, broken down by graduates and non-completers. Across all these offense levels, there is a statistically significant

difference by program outcomes, whereby individuals who wound up not completing the program had a higher number of average prior convictions at program entry than eventual graduates.

**Table 8:** Convictions before Entering Veterans Court

<i>Prior Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	1.2*	0	9	1.6
Non-Completers	4.4*	0	35	7.2
All Participants	1.9	0	35	3.9
<i>Prior Gross Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	0.6*	0	6	1.1
Non-Completers	1.3*	0	11	2.4
All Participants	0.7	0	6	1.5
<i>Prior Felony Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	0.3*	0	8	1.0
Non-Completers	1.1*	0	10	2.4
All Participants	0.5	0	10	1.5
<i>Criminal History Points</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	2.8*	0	24	4.5
Non-Completers	10.0*	0	56	14.4
All Participants	4.5	0	56	8.5

\* Difference is statistically significant at the .001 level

Another way to conceptualize criminal history is through a point system that accounts for the number and severity of prior convictions. The bottom quarter of Table 8 examines the average number of criminal history points for graduates and non-completers. The point system gives four points for a “person felony” offense (e.g. a felony domestic assault), three points for a “non-person felony” offense (e.g. a felony drug offense), two points for a “non-felony person” offense (e.g. misdemeanor assault), and one point for “non-felony non-person” offenses (e.g. misdemeanor DWI), multiplied the

number of convictions at each offense level. Thus, if an individual had one prior felony person conviction (four points) and two non-felony person convictions (two points each), the criminal history point total would be eight. Not surprisingly, this method of measuring prior criminal activity shows that eventual non-completers enter the program with significantly more average criminal history points than eventual graduates (10.0 and 2.8 points, respectively). Given this graduation gap based on criminal history, the Veterans Court team should provide a different array of services and/or higher levels of supervision for individuals entering the program with more extensive criminal histories. In contrast, individuals with no criminal convictions prior to entering the program likely require less supervision and fewer services.

### Program Participation Statistics

Tables 9 and 10 below examine program participation data for Veterans Court participants. Table 9 looks at the average number of months spent in the program. Not surprisingly, graduates are in the program significantly longer than participants who do not graduate. Program graduates spend a little over 14 months in the program on average while non-completers average just over six months in the program, a statistically significant difference.

**Table 9:** Months Spent in Veterans Court Program

	Mean	Minimum	Maximum	Std. Dev.
Graduates	14.2*	5	34	5.8
Non-Completers	6.1*	0	25	5.7
All Participants	12.3	0	34	6.7

\* Difference is statistically significant at the .001 level

Despite the fact that graduates spend a longer time in the program, they do not appear in front of the Veterans Court judge significantly more than non-completers. As Table 10 demonstrates, program graduates average about 14 review hearings during their time in the program—an average of about once a month during their tenure. Non-completers average over 12 hearings for the duration of their participation, which equates to about two hearings per month, on average, for these individuals.



**Table 10:** Number of Veterans Court Review Hearings

	Mean	Minimum	Maximum	Std. Dev.
Graduates	14.0	5	46	7.0
Non-Completers	12.3	0	25	9.4
All Participants	13.6	0	46	7.6

It is unsurprising that individuals who eventually fail to complete the program are subject to a higher level of judicial supervision as they likely demonstrate behavior that does not earn the trust of the Veterans Court team. However, requiring less compliant participants to attend a greater number of review hearings does not appear to enhance program success on its own. As a result, the Hennepin County Veterans Court program should look at additional ways outside of the courtroom to help participants who are most at risk of failure forge a successful path.

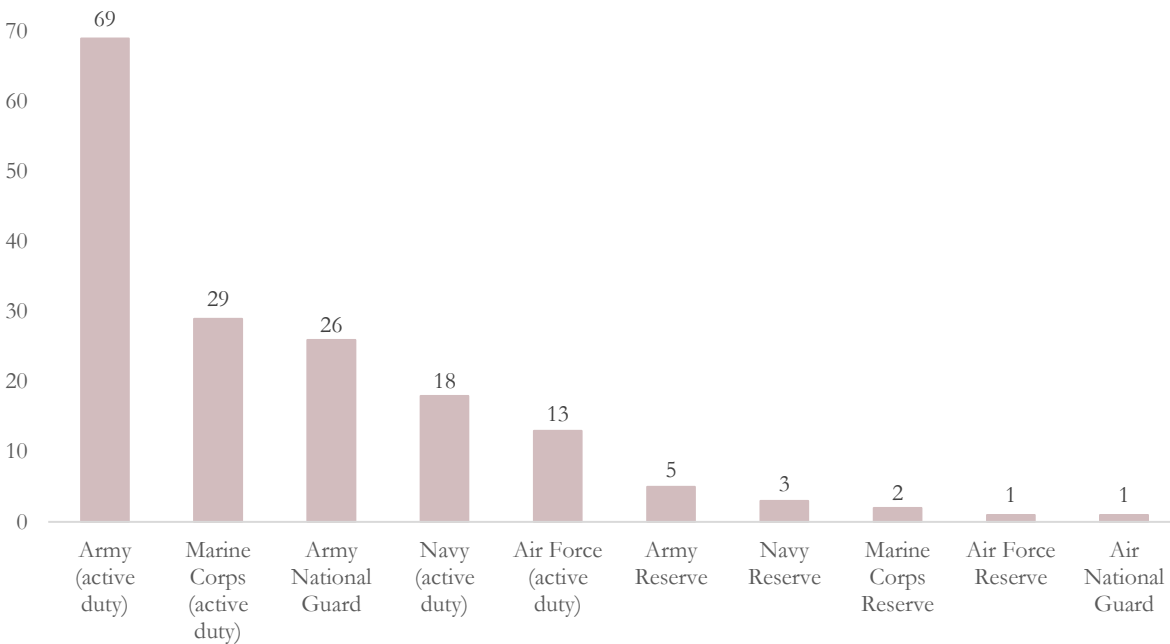
### Military History

The most basic unifying thread of Veterans Court participants is that they all have previously served in the United States Armed Forces. Figure 3 below enumerates the branch of service for the participants in Veterans Court.<sup>25</sup> Active Duty Army members comprised the most common branch for Veterans Court participants (41%), followed by Active Duty Marine Corps members, and Army National Guard members. All told, the vast majority of participants were active duty members in their respective branch as opposed to reservists, suggesting they are likely to identify with the military structure and values built into the Hennepin County Veterans Court program.

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<sup>25</sup> The number of military branch instances adds up to more than 155 because ten participants were in multiple branches during their military careers.

**Figure 3:** Branches of Military Service of Veterans Court Participants



As Table 11 denotes, the vast majority (88.4%) of Veterans Court participants received an honorable discharge. Interestingly, the two participants discharged from the Armed Forces for bad conduct—one of the lowest types of discharges the US military offers—successfully graduated from the program. Only the discharge category “General Discharge under Honorable Conditions” had more non-completers than graduates (although the total number of participants within this discharge category was quite small). Thus, discharge type does not appear to impact program outcomes.

**Table 11:** Discharge Type of Veterans Court Participants

	Non-Completers	Graduates	Total (% of Total)
Bad Conduct Discharge	0	2	2 (1.3%)
Other than Honorable Discharge	2	5	7 (4.5%)
General Discharge under Honorable Conditions	5	4	9 (5.8%)
Honorable Discharge	29	108	137 (88.4%)

**Table 12:** Rank at Discharge from Armed Forces

	Non-Completers	Graduates	Total (% of Total)
E1	10	18	28 (18.1%)
E2	6	6	12 (7.7%)
E3	6	19	6 (3.9%)
E4	11	45	56 (36.1%)
E5	3	19	22 (14.2%)
E7	0	6	6 (3.9%)
E8	0	1	1 (0.6%)
O1	0	1	1 (0.6%)
O2	0	4	4 (2.6%)

Another important facet of participants' military service history is rank. Table 12 below lists the rank at discharge for all participants, with the hierarchy of the military ranks going from lowest (E1; the "E" designates enlistees) to highest (O2; the "O" designates officers).<sup>26</sup> As the rightmost column of Table 13 demonstrates, a plurality of participants exited the military at a rank of E4, while the next most popular rank at discharge was E1, which is the lowest rank possible. While there were a higher percentage of non-completers at certain ranks—E1 through E4—most participants within these ranks successfully completed the program. Interestingly, although they represent only a fraction of total program participants, all participants above the rank of E5 successfully graduated from the program.

**Table 13:** Deployment History of All Veterans Court Participants

	Non-Completers	Graduates	Total (% of Total)
No	22	47	69 (44.5%)
Yes	14	72	86 (55.5%)

<sup>26</sup> For more information on military ranks, see: <http://www.defense.gov/About-DoD/Insignias>

One of the rigors of the US Armed forces is deployment abroad. More than half of the participants in Veterans Court (55.6%) had a deployment abroad at some point during their military service as Table 13 above indicates.

**Table 14:** Combat Deployment History of Veterans Court Participants  
(of the Participants Deployed, N=86)

	Non-Completers	Graduates	Total (% of Total)
No	4	12	16 (18.6%)
Yes	10	58	68 (79.1%)
Unknown	0	2	2 (2.3%)
<i>Total</i>	<i>14</i>	<i>72</i>	<i>86 (100.0%)</i>

A further sacrifice many members of the US military make is deployment in a forward combat theater. Table 14 below shows the number of participants who saw combat among the 86 deployed participants (Table 14 excludes non-deployed participants). The bulk of deployed Veterans Court participants saw combat during their military service (79.1%), and the vast majority of these individuals graduated from the program (58 out of 68). Thus, it does not appear that individuals who saw combat were more in jeopardy of not completing the program. Instead, it is possible that some of the requirements of being in a combat situation—teamwork, adherence to protocol, and personal discipline—might prime these individuals to be more successful in the Veterans Court program.

**Table 15:** Conflict to which Participants were Deployed (of Participants Deployed, N=68\*)

	Total
Operation Iraqi Freedom (Iraq)	45
Vietnam	15
Operation Enduring Freedom (Afghanistan)	10
Gulf War (Desert Storm/Desert Shield)	8
Other	14
Unknown	3

\*Number of deployments exceeds the number of participants deployed as several participants had deployments to multiple conflicts

Veterans Court participants saw conflict in numerous US military operations, which Table 15 documents. Deployment to Iraq as part of Operation Iraqi Freedom was most common among participants, with 45 individuals partaking in this military operation. Numerous participants were also deployed to Vietnam, Afghanistan (as part of Operation Enduring Freedom), and the Persian Gulf (for the Desert Shield and Desert Storm operations). Conflicts in the “Other” category include military operations of more limited scope, such as Panama, Bosnia or Kosovo.

In sum, the average Hennepin County Veterans Court participant is white and male, and discharged honorably from Active Duty Service in the Army. Graduates tend to have less extensive criminal histories and face gross misdemeanor charges. Participants who fail to complete the program are often have more prior convictions and enter the program on misdemeanor charges.

### Examination of the Comparison Group

NADCP’s best practice standards for treatment courts stipulate that “outcomes for [treatment court] participants are compared to those of an unbiased and equivalent comparison group” (NADCP 2015: 60). Unfortunately, since Hennepin County District Court and its justice partners did not systematically collect military service history, it appeared, at first, impossible to identify a group of veterans in the criminal court who did not participate in the program.<sup>27</sup> Nevertheless, with the help of multiple agencies, the Hennepin County District Court Research Division identified a matched comparison group of US Armed Forces veterans convicted of criminal charges in Hennepin County District Court during the same years that the Veterans Court cohort participated in the program (2010 through 2013). Unlike Hartley and Baldwin (2016), the study did not include individuals who had a referral to the Veterans Court program but chose to opt out as potential comparison group members. In fact, none of the individuals in the comparison group had a referral to any Treatment Court in the entire state of Minnesota.

The identification of a comparison sample of justice-involved veterans was a multi-step process. First, the Hennepin County District Court Research Division categorized the Veterans Court cohort by

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<sup>27</sup> This problem is not isolated to Hennepin County. In fact, it is extremely common for jurisdictions not to capture veteran status. For example, Baldwin (2016: 734) notes that 88% of jurisdictions with Veterans Treatment Courts do not have “a set procedure for the identification of veterans in contact with the criminal justice system.”

their instant offense type, age, gender, race, and criminal history.<sup>28</sup> Using MNCIS, the Research Division compiled profiles for several thousand individuals convicted of a criminal offense in Hennepin County District Court from 2010 to 2013 and did not have a referral to any treatment courts throughout Minnesota. By virtue of an interagency data sharing court order and cooperation between the St. Paul Veterans Benefit Administration (VBA) and the Hennepin County District Court, the VBA identified 216 Hennepin County criminal offenders with verified military service.

The Hennepin County District Court Research Division used propensity score matching (PSM) to select individuals from this pool of 216 veterans who were statistically identical to the Veterans Court cohort based on the aforementioned variables.<sup>29</sup>

**Table 16:** Instant Offense Charge Type of Comparison Group and Veterans Court Cohort

	Comparison Group	Veterans Court	Total (% of Total)
Other Non-Traffic	21 (13.6%)	24 (15.5%)	45 (14.5%)
Misdemeanor DWI	8 (5.2%)	8 (5.2%)	16(5.2%)
5 <sup>th</sup> Degree Assault	23 (14.8%)	23 (14.8%)	46(14.8%)
Other Gross Misdemeanor	14 (9.0%)	15 (9.7%)	29 (9.4%)
Gross Misdemeanor DWI	54 (34.8%)	55 (35.5%)	109(35.2%)
Other Felony	35 (22.6%)	30 (19.4%)	65 (21.0%)

<sup>28</sup> Measured by a tally of criminal history points based upon the number and severity of prior convictions as explained above in the section documenting the criminal history of the Veterans Court cohort.

<sup>29</sup> In order to ensure there was a match for each member of the Veterans Court cohort, the Research Division used the “one-to-many” matching option, whereby certain individuals in the comparison group appear more than once. The Research Division’s statistical software applies weights to individuals in the comparison group who appear multiple times to ensure they match the number of individuals in the treatment group. Specifically, the comparison sample contains 98 unique individuals, but the statistical weighting technique transforms these 98 individuals into 155 observations. While the vast majority of individuals in the comparison group appear only once, 10 individuals are included at least three times, with one individual in the comparison group accounting for six observations. The Research Division considered using the one-to-one matching option whereby each member of the Veterans Court cohort has a unique counterpart in the comparison group. However, the one-to-one option did not yield a unique match for eight members of the Veterans Court cohort. The Research Division decided it was better to have the full cohort of 155 Veterans Court participants with a one-to-many matched comparison group than dropping members of the Veterans Court sample in order to have a comparison group with unique matches. Importantly, the Research Division ensured the results of the recidivism analysis below were the same using the one-to-many option and the one-to-one option.

Starting with the charge level for the instant offenses seen in Table 16, the comparison group had a few less *Other Non-Traffic* offenses, several more *Other Felony* offenses, and a reasonably similar number of all other offense types compared to the Veterans Court cohort.<sup>30</sup> Despite the fact that the charge levels are not exactly the same between each group, a chi-squared test of the differences between the charge levels of the two groups was not statistically significant, suggesting that there is no discernible difference in the type of instant offense between the Veterans Court cohort and the comparison group.

**Table 17:** Racial Composition of the Comparison Group and Veterans Court Cohort

	Comparison Group	Veterans Court	Total (% of Total)
White	108 (58.7%)	102 (65.8%)	210 (67.7%)
Non-White	47 (41.2%)	53 (34.2%)	100 (32.3%)

Similarly, Table 17 examines the differences in the racial composition between the two groups and shows that there are some differences between the number of Non-White and White individuals in each group, whereby the comparison group has several fewer Non-White individuals than the Veterans Court cohort. However, there was no statistically significant difference in the racial breakdown between the two groups.<sup>31</sup>

**Table 18:** Gender Breakdown of the Comparison Group and Veterans Court Cohort

	Comparison Group	Veterans Court	Total (% of Total)
Female	4 (2.6%)	5 (3.2%)	9 (2.9%)
Male	151 (97.4%)	150 (96.7%)	301 (97.1%)

<sup>30</sup> The data in Tables 16-20 reflect attributes of the comparison group when their instant offense case was disposed. For example, in Table 20, age for the Veterans Court cohort is their age at the time of acceptance to the program whereas for the comparison group it represents how old each individual was at the time of the conviction for their instant offense.

<sup>31</sup> Whereas Table 2 above listed the specific race or ethnicity of the Veterans Court cohort, the analysis below uses a dichotomous race/ethnicity variable that categorizes participants as White or Non-White.

Table 18 shows that the gender breakdown of the comparison group almost exactly mirrors the Veterans Court cohort, producing no statistically significant gender differences between the groups.

**Table 19:** Prior Convictions of Comparison Group and Veterans Court

<i>Prior Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	2.3	0	15	3.0
Veterans Court	1.9	0	35	3.9
Both Groups	2.0	0	35	3.5
<i>Prior Gross Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.9	0	7	1.6
Veterans Court	0.7	0	11	1.5
Both Groups	0.8	0	11	1.6
<i>Prior Non-Felony Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.6	0	9	1.4
Veterans Court	0.5	0	10	1.5
Both Groups	0.5	0	10	1.4
<i>Criminal History Points</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	5.3	0	47	7.8
Veterans Court	4.5	0	56	8.5
Both Groups	4.9	0	56	8.2

Table 19 above looks at the criminal history of the Veterans Court cohort and the comparison group. The top three-fourths of the table compare the average number of prior misdemeanor, gross misdemeanor, and felony convictions, respectively. Although the comparison group presents with a higher average number of convictions across all offense levels, the differences are not statistically significant. The bottom quarter of the table looks at the average number of criminal history points used above, which is a sum of points based upon the number and severity of prior convictions. Once



again, members of the comparison group averaged a higher number of criminal history points than the Veterans Court cohort, but this difference was not statistically significant.

The final indicator used to match the Veterans Court cohort with the comparison group was age, which Table 20 displays. The average age of the two groups revealed no statistically significant differences although the comparison group is slightly older, on average.

**Table 20:** Average Age of Comparison Group and Veterans Court Participants

	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	44.7	21	73	14.3
Veterans Court	43.4	20	66	13.3
Both Groups	44.1	20	73	14.8

All told, the comparison group is not different from the Veterans Court cohort in any meaningful way—that is, the differences are not statistically significant—suggesting that this group represents an ideal set of individuals to determine whether the Veterans Court program met its goals.

## **EVALUATING OUTCOMES OF VETERANS COURT PARTICIPANTS**

This section examines the degree to which the outcomes of Veterans Court participants adhere to or deviate from the stated goals of the program and represents the most vital part of this study. Depending on the goal under evaluation, this section relies on different methods and points of comparison to evaluate program outcomes, as mentioned in the Research Methods section. For some goals, it is most appropriate to examine only the Veterans Court participants, while other goals require including the comparison group to ascertain outcomes.

### **Goal 1: Facilitate Participant Sobriety**

One uniform condition of the Veterans Court program is that participants remain sober, enforced through random drug/alcohol testing of participants. One way to measure whether the program is facilitating participant sobriety is to examine the results of drug tests administered by the Hennepin

County DOCCR during program participation. Table 21 demonstrates that about an equal proportion of eventual Veterans Court graduates and non-completers had at least one drug test while active in the program, about 56% (55.6% of graduates and 56.3% of non-completers). Although an equal share of eventual non-completers and graduates were drug tested during the program, many participants did not undergo any drug testing by DOCCR at all. This lack of widespread testing is problematic given that about two-thirds of all Veterans Court participants had a diagnosis of a Substance Use Disorder when they exited the program (see Table 23 below), suggesting that many participants with substance abuse issues were not screened for drug use.

**Table 21:** Percentage of Veterans Court Participants Subjected to In-Program Drug Testing by DOCCR

	Non-Completers	Graduates	Total (% of Total)
No drug tests	16 (44.4%)	52 (43.7%)	68 (43.9%)
At least one drug test	20 (55.6%)	67 (56.3%)	87 (56.1%)

For the participants who were tested, the average number of drug tests during Veterans Court was hardly different between graduates and non-completers, with each group averaging just over 10 tests as seen in the top portion of Table 22. However, non-completers spent eight fewer months on average participating in the program (see Table 9 above); therefore, DOCCR tested non-completers on a more regular basis than they tested graduates. Indeed, the middle portion of Table 22 shows that while graduates averaged about 0.8 drug tests per month while active in the program, non-completers averaged about 1.6 tests per month, a difference that is statistically significant. Given that non-completers likely demonstrate non-compliance with program rules before leaving the program, the increase in drug tests for these individuals is understandable. Nevertheless, the entire cohort of Veterans Court participants averaged a little less than one test per month. The lack of widespread testing contravenes the standards and best practices of treatment courts per the NADCP, which stipulate testing all participants on a truly random basis.<sup>32</sup>

<sup>32</sup> See: <http://www.allrise.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>; pp 38-53.

Unsurprisingly, participants who successfully completed the program averaged significantly fewer positive tests than non-completers as the bottom portion of Table 22 demonstrates. Interestingly, testing positive for illicit substances did not automatically imperil program success. In fact, the highest number of positive drug tests for a non-completer was 16, which is only one more than a program graduate who failed 15 drug tests.<sup>33</sup>

**Table 22:** In-Program Drug Test Information for Veterans Court Participants

<i>Average Drug Tests Administered for Duration of Program</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	10.4	0	121	15.5
Non-Completers	10.6	0	67	21.6
All Participants	10.4	0	121	17.0
<i>Average Drug Tests Administered per Month in Program</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	0.8**	0	5.5	1.2
Non-Completers	1.6**	0	7	2.2
All Participants	1.0	0	7	1.5
<i>Average Positive Drug Tests for Duration of Program</i>				
	Mean	Minimum	Maximum	Std. Dev.
Graduates	1.0*	0	15	2.5
Non-Completers	1.9*	0	16	3.9
All Participants	1.2	0	10	1.5

\* Statistically significant at the .05 level; \*\* Statistically significant at the .001 level

Unfortunately, it is difficult to follow the trajectory of whether or not Veterans Court participants maintained sobriety after exiting the program since very few individuals had systematic drug tests after leaving the program. Specifically, about 31% (11 of 36) of non-completers were drug tested in the two years following their exit from the program while only 4.2% of graduates (5 out of 119) submitted a

<sup>33</sup> One reason that positive drug tests might not lead to termination from the program is that probation expects positive test results in certain circumstances. For example, repeated positive drug tests might be able to demonstrate that the presence of a substance—especially THC, which stays in the system longer than other substances—is diminishing, thereby suggesting abstinence from this substance over time if levels of the substance continually drop. As a result, a “positive” test might paradoxically demonstrate movement towards sobriety, although these circumstances require a high degree of monitoring and continual testing.

drug test in the two years after graduation—despite the fact that the majority of graduates and non-completers alike remained on probation supervision of some sort. Looking at drug test results after leaving the program is of little value since a large majority of individuals had no drug tests conducted in the years following Veterans Court exit. Unfortunately, even less testing occurred for the comparison group in the two years following the disposition of their instant offense, rendering comparisons of drug tests results between Veterans Court participants and the comparison group of little value.

One limitation of this drug testing data is that it does not capture drug/alcohol tests administered by the VA. Indeed, participants enrolled in certain VA treatment programs are subject to onsite drug screening.<sup>34</sup> Probation officers are privy to which of their clients the VA screens for substances while active in formal VA treatment program. Given that 70% of participants who received treatment did so through the VA (see below), it is possible that VA drug tests supplement the DOCCR drug screening regimen and might greatly expand the number of participants tested for drugs.

Unfortunately, full VA drug test data is not available for all participants in the Veterans Court evaluation sample because the signed participant agreements that permit the sharing of participant data between the VA and the Veterans Court team have lapsed for the individuals in the evaluation sample. As a result, the VA is no longer able to share participant data—which includes drug test results—with the Hennepin County District Court Research Division.

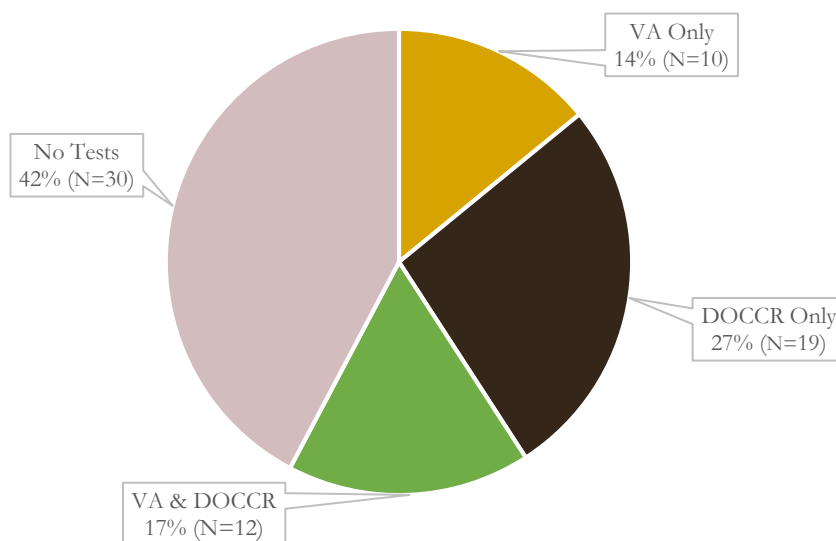
However, some suggestive data exist that helps determine whether VA drug screening expands the number of participants tested for substances. The Hennepin County Veterans Court program received a federal Bureau of Justice Assistance grant from 2011 to 2014. One grant-reporting requirement was submitting all drug test results from DOCCR and the VA on a quarterly basis. Examining the DOCCR and VA drug test data for one of these quarterly grant reports reveals that a drug-testing gap remains even after accounting for VA drug screens. Specifically, Figure 4 below documents the proportion of

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<sup>34</sup> In general, when participants test positive for illicit substances at the VA, the Veterans Justice Outreach Coordinator at Veterans Court notifies the Veterans Court team at the weekly pre-court staffing meetings. However, per conversations with the Veterans Justice Outreach Coordinator assigned to the Hennepin County Veterans Court Program, the VA does not have a prescribed process or frequency for drug testing, except in formal group-based treatment programs (e.g. inpatient, outpatient, aftercare). If a veteran was only engaged in outpatient therapy, drug testing may never have occurred. Furthermore, the VA uses drug testing for treatment purposes versus compliance with court ordered conditions.

participants active in the court between October and December 2012 who did and did not undergo drug testing, and, if so, the agency (or agencies) administering the test. During these three months, the VA and DOCCR did not screen 42% of active participants for illicit substances, which similar to the 44% of Veterans Court participants in the evaluation sample who submitted zero drug/alcohol tests during their program tenure. Of the participants tested by the VA or DOCCR during these three months, 11 (26.8%) had fewer than three total drug tests, suggesting that the combined DOCCR and VA testing regimen falls short of the truly random testing schedule stipulated by NADCP. Thus, while adding the proportion of participants tested for substances by the VA increases the total number of participants screened for drugs, the amount of participants not tested remains problematic.

**Figure 4:** Proportion of Veterans Court Participants Active in 4<sup>th</sup> Quarter 2012 Receiving Drug/Alcohol Test, by Testing Site (N=61)



Given the lack of a consistent—let alone random—drug testing protocol of Veterans Court participants, determining whether the program was successful in its goal of facilitating participant sobriety is difficult to judge. One measurable outcome was that for the individuals tested—which was an equal proportion of graduates and non-completers—eventual graduates tested positive for substances at significantly lower rates than eventual non-completers. However, DOCCR did not

screen over two-fifths of non-completers and graduates alike (44%), which is problematic because a lack of testing does not indicate sobriety.

Although the Veterans Court program fell short fully screening participants for drugs during its initial years—which impaired the goal of facilitating participant sobriety—the program appears to be making some progress with its drug-testing regimen. For example, 64 % of participants active in the program as of October 2016 have had at least one drug test while 36% have not, which represents an increase in participants screened for substances compared to the Veterans Court evaluation cohort. In the end, because substance use disorders are a very common diagnosis among all Veterans Court participants, it would strongly behoove the program to continue the recent trend of increasing the frequency of drug tests, with the end goal of implementing a truly random testing regimen for all participants.

## **Goal 2: Increase compliance with treatment and other court ordered conditions**

As mentioned above, the Veterans Court program has certain eligibility requirements, one of which is that participants have a treatable behavioral or chemical health issue. This requirement is important in light of the challenges veterans face: namely, the high rates of substance abuse and mental health issues, which often occur in tandem in this population (see Baldwin 2016: 708-09). Given the prevalence of these issues in the general veteran population, it is unsurprising that a majority of participants enter the Hennepin County Veterans Court program with unmet mental and chemical health needs. Table 23 below lists the different types of mental health diagnoses with which Veterans Court participants present at program entry and exit. While 36 individuals do not initially have a diagnosed mental health issue, many individuals present with more than one mental health diagnosis. Because of the extensive array of services provided during the Veterans Court program—chief among them treatment for chemical and behavioral health issues—many individuals have different or additional diagnoses when they exit the program, noted on the right side of Table 23. This table shows that the number of individuals without a diagnosis declined dramatically from entry to exit while the number of individuals with multiple diagnoses rose. Most notably, there is a large jump in the number of individuals diagnosed with a Substance Use Disorder as well as the number of participants with Post-Traumatic Stress Disorder. While it may seem as though the increase in diagnoses at program exit is problematic, the identification of additional chemical or behavioral issues allows individuals to

get treatment that matches their needs, putting them on a more likely path toward enhancing their mental health outcomes and increasing their overall quality of life after leaving the program.

**Table 23:** Mental Health Diagnosis of Veterans Court Participants at Program Entry and Exit

<i>At Program Entry</i>		<i>At Program Exit</i>	
Diagnosis	#	Diagnosis	#
Major Depression	69	Substance Use Disorder	101
Post-Traumatic Stress Disorder	50	Post-Traumatic Stress Disorder	68
N/A or Unknown	36	Major Depression	67
Substance Use Disorder	34	Generalized Anxiety Disorder	25
Generalized Anxiety Disorder	25	Traumatic Brain Injury	18
Traumatic Brain Injury	21	Bipolar Disorder	11
Bipolar Disorder	11	Other	11
Personality Disorder	6	Schizoaffective Disorder	7
Schizoaffective Disorder	6	N/A or Unknown	7
Schizophrenia	5	Borderline Personality Disorder	6
Other	5	Schizophrenia	6
Total	268	Total	327

Given the vast mental and chemical health needs with which Veterans Court participants present, many participants undergo treatment by court order to address these issues. While not all participants have a treatment program as part of their Veterans Court sentence, 106 out of 155 participants (68.4%) went through a treatment program of some type. Of those who had treatment referrals, over 70% attended treatment in a VA facility (typically at the VA Medical Center in Minneapolis or the VA Hospital in St. Cloud, MN).

As Table 24 below demonstrates, the vast majority of participants (91.5%) referred to treatment successfully completed the program; in fact, only nine individuals ordered to treatment failed to complete successfully. In terms of treatment outcomes and overall program success, of the nine participants who failed treatment, seven ended up not completing the Veterans Court program. Thus,

overall, it would appear that participants ordered to treatment programs are compliant with the parameters of these treatment programs.

**Table 24:** Treatment Outcomes for Veterans Court Participants (N=106)

	Non-Completers	Graduates	Total (% of Total)
Did not complete treatment	7	2	9 (8.5%)
Completed treatment successfully	10	87	97 (91.5%)

One Veterans Court condition that is uniform across all participants is to remain law-abiding during (and after) program participation. Table 25 shows the number of participants charged with a new criminal offense during program participation. Only a fraction—less than 10%—of all participants picked up a criminal charge during Veterans Court participation, suggesting that most participants remained law-abiding in the strictest sense of the term. Graduates were less likely to garner new criminal charges during program participation: 6% of eventual graduates received a new criminal charge while active in Veterans Court (7 out of 119) and about 19% of non-completers had a new criminal offense as an active Veterans Court participant (7 out of 36).

**Table 25:** New Criminal Charges during Veterans Court

	Non-Completers	Graduates	Total (% of Total)
No new charges during	29	112	141 (91.0%)
At least one new charge during	7	7	14 (9.0%)

All seven eventual graduates ended up with convictions for the offenses they garnered during Veterans court participation, while only four of the seven non-completers received a conviction for the new criminal charge. While remaining law abiding is an important condition of Veterans Court, it is not necessarily the case that a new criminal charge—or even a conviction—will derail a participant’s chances of success on its own. Thus, the court plays an important role in helping participants handle their legal issues in an ongoing and flexible manner, giving participants time and space to cultivate meaningful behavioral changes.



Participants can also act in a manner that does not result in a new criminal charge, but is problematic nevertheless. A more general way to consider whether a participant behaved in a way that ran counter to court-ordered conditions or program rules is to see whether judges issued any warrants against the participant. Table 26 looks at the number of warrants issued to active Veterans Court participants,<sup>35</sup> breaking the sample into non-completers and graduates. As this table shows, many participants—including numerous graduates—had more than one warrant issued during their participation. The data nevertheless suggest that a much higher proportion of non-completers had a warrant issued against them than graduates. Specifically, only 25% of non-completers did not get a warrant for some type of violation during their participation in the program (9 out of 36), whereas almost 75% program graduates did not commit an infraction that resulted in a warrant (89 out of 119). It would thus appear that receiving a warrant during Veterans Court impedes program success.

**Table 26:** Number of Warrants Issued during Veterans Court

	Non-Completers	Graduates	Total (% of Total)
0	9	89	98 (63.2%)
1	9	18	27 (17.4%)
2	12	7	19 (12.3%)
3	2	3	7 (3.2%)
4	3	2	5 (3.2%)
6	1	0	1 (0.7%)

Although the language of this goal—“an *increase* in compliance with treatment and court ordered conditions”—suggests comparing compliance against a benchmark, no such metric exists. That said, given the high rates of treatment success, the low rates of in-program offending, and the correlation between compliance with program conditions and program success, the Hennepin County Veterans Court program appears to be achieving this goal.

One limitation in assessing this goal is that the Hennepin County Veterans Court Program did not track sanctions (or incentives) for the years when the participants in the evaluation sample were active.

<sup>35</sup> The three types of warrants included are general bench warrants, warrants for failures to appear, and warrants for probation violations. Each of these warrants is a response to a different type of infraction.

Having data that are more robust on specific in-program sanctions would allow for a more direct analysis of whether participants are complying with court rules and judge orders. It is highly recommended that the Hennepin County Veterans Court team attempt to track sanctions for poor behavior and incentives for good conduct systematically going forward.

### **Goal 3: Improve access to VA Benefits and Services**

As mentioned above, it is not a requirement of the Hennepin County Veterans Court program for participants to be eligible for VA services. Nevertheless, the vast majority of participants meet the VA's eligibility criteria to receive benefits, and about three-fourths (74.8%) of participants in Veterans Court were at least minimally connected to VA benefits and services when they began the program. However, as Table 27 below shows, almost half (49.7%) of Veterans Court participants saw an increase in their VA benefit connectedness during Veterans Court, with the largest proportion being program graduates. Furthermore, the percentage of participants not receiving benefits between program entry and exit dropped to 7.7%.

**Table 27:** Change in Veterans Administration Benefit Connectedness during Veterans Court

	Non-Completers	Graduates	Total (% of Total)
N/A, not receiving benefits	2	10	12 (7.7%)
Service level decreased	1	3	4 (2.6%)
Service level stayed the same	18	44	62 (40.0%)
Served level increased	15	62	77 (49.7%)

Given the jump in the number of individuals accessing benefits and the percentage of participants increasing their service connectedness, the goal of improving access to VA Benefits and Services is an unqualified success. A primary reason for this success is having representatives from the Veterans Benefits Office and the Veterans Administration Medical Center (via the Veterans Justice Outreach Officer) at the table working closely with the rest of the Veterans Court team, which is instrumental to participants gaining access to benefits for which they are entitled. A recommendation is to maintain the close links between the Veterans Court program and multiple VA representatives.

#### **Goal 4: Improve family relationships and social support connections**

The principal way in which the Hennepin County Veterans Court team has sought to measure participants' progress on improving family relationships and social support connections is by looking at participants' number of prosocial activities—e.g. bowling leagues, recovery groups, volunteer activities, etc.—and prosocial relationships—e.g. non-criminal friends, family, fellow service club members, etc.

**Table 28:** Prosocial Activities at Veterans Court Entry and Exit

	<i>At Program Entry</i>	<i>At Program Exit</i>
	# (% of Total)	# (% of Total)
Unknown	31 (20.0%)	2 (1.3%)
None	6 (3.9%)	13 (8.4%)
Minimal	53 (34.2%)	61 (39.4%)
Moderate	55 (35.5%)	61 (39.4%)
Many	10 (6.5%)	32 (20.6%)

After a referral to Veterans Court, the DOCCR screener makes a determination of the participant's levels of prosocial activities and relationships at Veterans Court entry based upon participant interviews. At Veterans Court exit, probation officers determine their client's levels of prosocial activities and relationships based upon their knowledge of their client's lives. Accurately capturing improvement on these metrics is difficult as some of this data was not systematically captured in the earliest phases of the program (and very difficult to reconstruct later), leaving no benchmark from which to discern potential improvement for many participants.

**Table 29:** Prosocial Relationships at Veterans Court Entry and Exit

	<i>At Program Entry</i> # (% of Total)	<i>At Program Exit</i> # (% of Total)
Unknown	30 (19.4%)	2 (1.3%)
None	15 (9.7%)	12 (7.7%)
Minimal	55 (35.5%)	47 (30.3%)
Moderate	47 (30.3%)	66 (42.6%)
Many	8 (5.2%)	28 (18.1%)

As Tables 28 and 29 indicate, about 20% of participants had no information for prosocial activities or prosocial relationships at Veterans Court entry. That said, data was more complete at program exit, and there is a clear increase in the instances of participants who have “moderate” or “many” prosocial relationships and activities between program entry and exit.

**Table 30:** Change in Number of Prosocial Activities from Veterans Court Entry to Exit\*  
(N=124)

	Non-Completers	Graduates	Total (% of Total)
Fewer prosocial activities at exit	9	16	25 (20.2%)
Same number of prosocial activities at exit	9	41	50 (40.3%)
More prosocial activities at exit	4	45	49 (39.5%)

\*Participants whose level of prosocial activities and relationships was unknown at entry are not included in this table.

Tables 30 and 31 break down the trajectory of prosocial activities and relationships between entry and exit, respectively (participants who did not have this data at program entry or exit were omitted).<sup>36</sup> Table 31 demonstrates that while 20.2% of participants partook in fewer prosocial activities at program exit than entry—including 16 graduates—the vast majority maintained their level of prosocial activities or increased the number of prosocial activities in which they participated. Program graduates

<sup>36</sup> Specifically, Table 30 omits 31 participants and Table 31 omits 30 participants.

comprised almost the entire group of participants who increased their array of prosocial activities (45 out of 49).

**Table 31:** Change in Number of Prosocial Relationships from Veterans Court Entry to Exit\*  
(N=125)

	Non-Completers	Graduates	Total (% of Total)
Fewer prosocial relationships at exit	9	11	20 (16.0%)
Same number of prosocial relationships at exit	7	42	49 (39.2%)
More prosocial relationships at exit	7	49	56 (44.8%)

\*Participants whose level of prosocial activities and relationships was unknown at entry are not included in this table.

Table 31, which examines the trajectory of prosocial relationships between program entry and exit, largely mirrors the information in the previous table. Specifically, while some participants—including 11 graduates—had fewer prosocial relationships when they left the program, the bulk of participants maintained or increased their circle of prosocial relationships. Graduates dominate the group that increased their number of prosocial relationships.

All told, of those with prosocial activity and relationship data at entry and exit, graduates tended to sustain or enhance their number of prosocial activities and prosocial relationships during program participation. Non-completers, on the other hand, were somewhat more likely to regress in their number of prosocial activities and relationships. To the degree possible, the program should help participants deepen their social connections and supports.

**Table 32:** Mentor Program Participation during Veterans Court

	Non-Completers	Graduates	Total (% of Total)
Did not have Mentor	32	77	109 (70.3%)
Had a Mentor	4	42	46 (29.7%)

One way in which Veterans Treatment Courts promote social supports is through mentor programs. The first Veterans Court in the US—the Buffalo, NY program—created a mentor group to help participants connect with veterans with similar military experience that serves as the template for

Veterans Treatment Court mentor programs around the country. According to the Buffalo program, “The role of the veteran mentor is to act as a coach, guide, role model, advocate, and a support person for the individual veteran participant with whom he/she is working” in the same manner an AA sponsor might function.<sup>37</sup> The mentor-mentee relationships have proved to be extremely popular with and helpful to Veterans Court participants.

Unfortunately, the mentor program of the Hennepin County Veterans Court has never functioned in a consistent manner, and the Court has had difficulty sustaining the mentor program.<sup>38</sup> As a result, there was not an equal opportunity for participants to receive a mentor during the courts initial years. Of all participants in the evaluation, which represents some of the earliest participants in the Veterans Court program, only 46 participants (29.7%) had a mentor at some point during their program participation, as Table 32 shows. Yet, of the participants paired with a mentor, almost all completed the program successfully (91.3%, or 42 out of 46), providing some suggestive evidence that establishing a mentor-mentee relationship promotes success for Veterans Court participants.<sup>39</sup>

As of 2015, a new Mentor Coordinator has been on the Hennepin County Veterans Court team. While the process of finding and training mentors has been going more slowly than anticipated, the mentor program should ramp up in the latter half of 2016 and into 2017. Given that mentors can help participants succeed in the program while providing important social supports, it is essential that the Hennepin County Veterans Court program prioritize the rollout and continued maintenance of the mentor program.

Despite the state of flux surrounding the mentor program, it does appear that the program is coming close to meeting its goal of improving family relationships and social support connections, especially given the wide increase in the number of prosocial activities and relationships from entry to exit. In

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<sup>37</sup> See: <http://www.buffaloveteranscourt.org/content/buffalo-veteran-mentor-group>

<sup>38</sup> The Hennepin County Veterans Court mentor program was essentially moribund during 2014 and 2015.

<sup>39</sup> Receiving a mentor is voluntary, yielding a concern that participants that are more social self-select into these relationships at higher rates. However, a cross tabulation between participants paired with a mentor and the number of prosocial relationships at program entry reveals that a plurality of participants paired with a mentor had “minimal” prosocial relationships when they began Veterans Court. As a result, it does not appear that highly social participants selected into the mentor-mentee relationship at higher rates than less social participants did.

addition, a newly revamped mentorship program should build upon the past successes the program has had in this arena.

### **Goal 5: Improve life stability**

In determining whether the program influences the life stability of participants, this study examines housing, employment, and educational status at entry and exit.

#### *Housing Status*

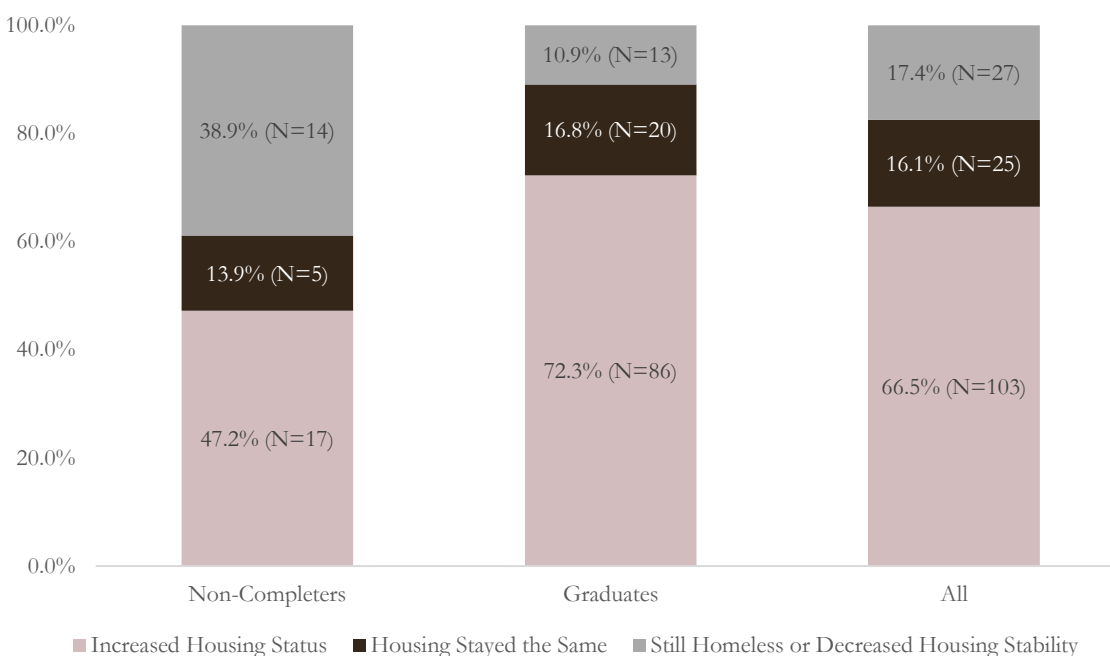
A lack of stable housing is a longstanding problem among the US veteran population. Although calculating the exact number of homeless veterans is difficult, estimates from 2010 suggest that 12,700 veterans of recent military conflicts were chronically homeless, with over 47,000 veterans homeless on any single night (Baldwin 2016: 710). In Minnesota, about 8% of the state's homeless population is veterans, and six in ten homeless Minnesota veterans are chronically homeless (Wilder Research 2016). Given the housing instability facing the veteran population, the Hennepin County Veterans Court program's goal of improving housing status is laudable.

**Table 33:** Housing Status at Veterans Court Entry and Exit

	<i>At Program Entry</i> # (% of Total)	<i>At Program Exit</i> # (% of Total)	Percent Change
Homeless	15 (9.7%)	14 (9.0%)	-6.7%
Residential Facility	11 (7.1%)	14 (9.0%)	27.3%
Relative/Friend	41 (26.5%)	27 (17.4%)	-34.1%
Independent	88 (56.8%)	100 (64.5%)	13.6%

Table 33 above shows the difference in housing status of Veterans Court participants at program beginning and end. Importantly, 56.8% of Veterans Court participants were living independently at the time they began the program. As a result, increasing housing stability was not an option for many participants. That said, the percentage of participants who had independent housing at the time they exited the program jumped to 64.5%. In addition, homelessness declined, but only marginally.

**Figure 5:** Housing Status Change from Veterans Court Start to Finish



Yet, only some Veterans Court participants enjoyed these gains in housing stability. Figure 5 above displays the proportion of participants whose housing status decreased, stayed the same, or increased from Veterans Court start to finish.<sup>40</sup> While 66.5% all participants increased their housing stability (103 out of 155), graduates accounted for the bulk of the increase. Furthermore, a much higher proportion of non-completers than graduates (39.9% to 10.9%) remained homeless or saw their housing stability diminish from start to finish.

In the end, despite the overall progress made towards increasing housing stability, opportunities for improvement exist. Specifically, the raw number of participants who were homeless at the beginning of the program (15) was hardly different from the number of homeless at program exit (14). Although homelessness does not affect a large number of participants, it does seem to be difficult to rectify—

<sup>40</sup> Housing stability decreases are defined as participants who homeless at entry and exit or participants whose housing stability decreased (e.g. from living independently to living with a relative/friend). Housing stability is labeled as staying the same at entry and exit if nothing changed from beginning to end, or if there was a housing status change that did not result in living independently or becoming homeless. Housing stability is categorized as increased for participants who lived independently from program beginning to end, participants who gained independent housing, and participants who stopped being homeless.



even for program graduates—and more attention and resources should be devoted to individuals who enter the program without housing or those living in unstable living situations. In addition, considering that graduates enjoy better housing outcomes than non-completers, the Veterans Court team should help ensure that all participants have the opportunity to enhance their housing status. Such efforts would help end the scourge of homelessness among the veteran population.

### *Employment Status*

Similar to unstable housing, a lack of employment is another difficulty facing veterans. For example, “Gulf War-era veterans were unemployed at higher rates than nonveterans in 2013 and 2014” (Baldwin 2016: 710). Fortunately, the program was largely successful in enhancing employment, as Table 34 shows. At the start of the Veterans Court program, over a quarter (27.1%) of participants had full-time employment, whereas around a third (31.0%) had full-time employment at exit, a 14.3% increase. Part-time employment ticked up 55.6% from beginning to end. Furthermore, 10 additional participants (a 33.3% jump) were qualified as disabled—giving them access to disability benefits—at Veterans Court end compared to Veterans Court start. Most impressively, unemployment dropped dramatically, from 45 participants without work at program entry to 24 at program exit, which is a 46.7% drop.

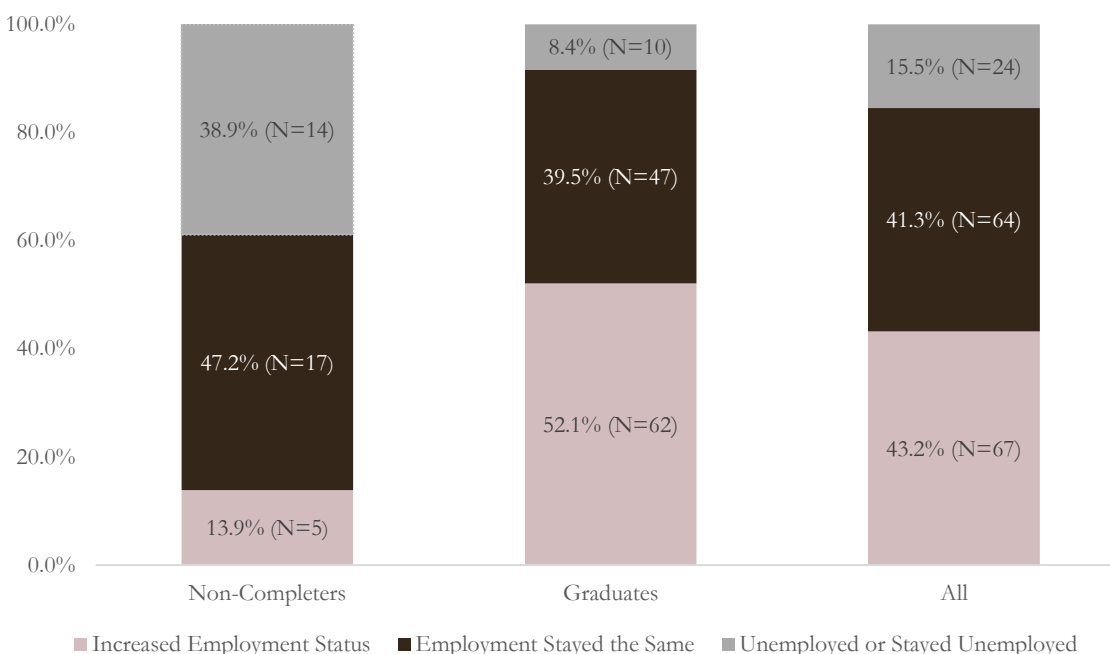
**Table 34:** Employment Status at Veterans Court Entry and Exit

	<i>At Program Entry</i> # (% of Total)	<i>At Program Exit</i> # (% of Total)	Percent Change
Unemployed	45 (29.0%)	24 (15.5%)	-46.7%
Disabled	30 (19.4%)	40 (25.8%)	33.3%
Retired	6 (3.9%)	6 (3.9%)	0.0%
Student	9 (5.8%)	8 (5.2%)	-11.1%
Part-time	18 (11.6%)	28 (18.1%)	55.6%
Full-time	42 (27.1%)	48 (31.0%)	14.3%
Unknown	5 (3.2%)	1 (0.6%)	-80.0%

Once again, program graduates saw the majority of these gains. Figure 6 shows that over half (52.1%) of graduates increased their employment status while only 8.4% of graduates saw their employment

status decrease.<sup>41</sup> The opposite was true for non-completers, whereby decreasing employment status (38.9%) was more common than increased employment stability (13.9%). That said, it was most common for non-completers to have the same employment status from start to finish (47.2%).

**Figure 6:** Employment Status Change from Veterans Court Start to Finish



Although there is progress overall, opportunities for improvement exist. First, despite the drop in unemployment among graduates, the fact that 8.4% of successful program completers were unemployed throughout their participation or became unemployed during the program indicates that there is still work to do even among those that succeed in Veterans Court. In addition, the Veterans Court team must work to ensure that all participants see gains in their employment statuses, and not just the graduates.

It bears mentioning that the gains in employment are even more impressive given that contact with the criminal justice system often impedes employment prospects among criminal offenders (O'Brien

<sup>41</sup> Participants who maintained full-time employment throughout the program or increased their employment status to full- or part-time compose the “Increased Employment Status” group. Participants who maintained part-time employment or another non-unemployed status throughout participation, became a student, or got on disability compose the “Stayed the Same” group. Employment decreases are defined as being unemployed throughout participation or becoming unemployed during participation.

and Darrow 2007). Fortunately, new initiatives should help expand the court’s success in expanding employment for justice-involved veterans, such as Minnesota’s recent “ban the box” law that prohibits employers from asking about criminal history on job applications. With the Minnesota Department of Employment and Economic Development (DEED) as a member of the Veterans Court steering committee, it is hopeful that Veterans Court participants will continue making progress toward enhancing their employment prospects as part of their participation in the program.

### *Educational Status*

Unlike housing and employment, educational status is much less fluid, and change only happens in one direction. Specifically, high school and college graduates do not lose degrees or diplomas conferred upon them. In addition, earning a degree tends to take longer than the 12-18 months participants spend in the program. Furthermore, many higher education programs have restrictive times when new or returning students can begin coursework (e.g. fall semester). Moreover, individuals employed on a full- or part-time basis might not have the flexibility in their work schedules to accommodate taking classes. With these caveats in mind, it is unsurprising that the vast majority (81.9%) of Veterans Court participants saw no change in their levels of education from program start to finish as Figure 7 below shows.

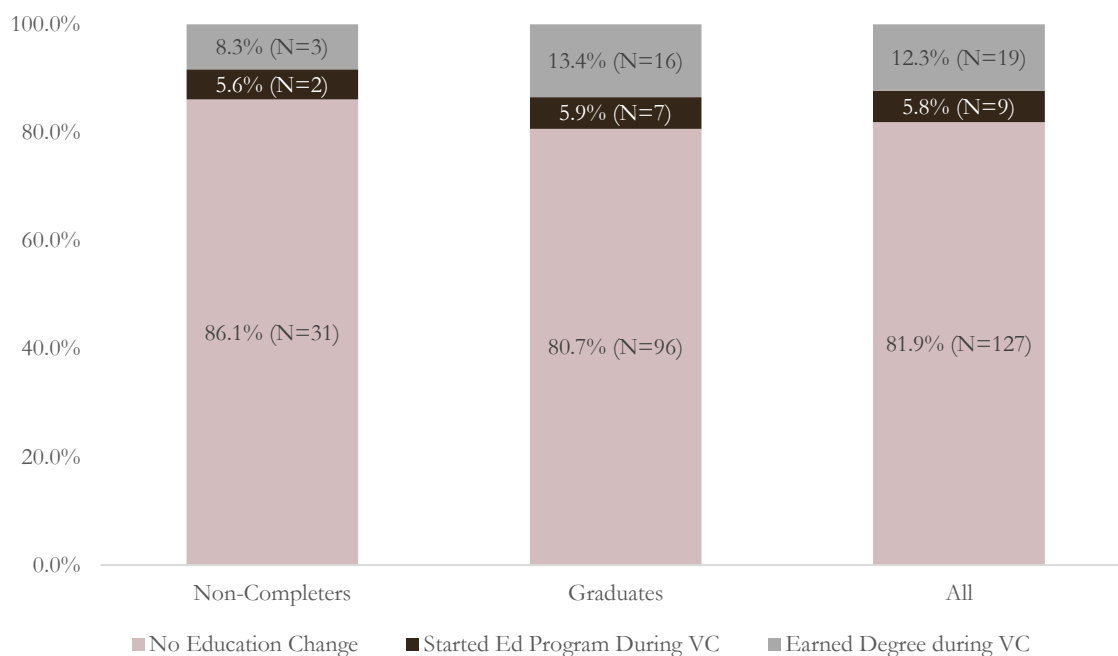
**Table 35:** Education Status at Veterans Court Entry and Exit

	<i>At Program Entry</i> # (% of Total)	<i>At Program Exit</i> # (% of Total)	Percent Change
Less than High School	6 (3.9%)	3 (1.9%)	-50.0%
High School Diploma/GED	52 (33.5%)	45 (29.0%)	-13.5%
Some College	59 (38.1%)	53 (34.2%)	-10.2%
Two-Year Degree	20 (12.9%)	28 (18.1%)	40.0%
Four-Year Degree and Up	18 (11.6%)	26 (16.8%)	44.4%

Yet there were plenty of educational status gains. Specifically, Table 35 above demonstrates that many participants increased their educational status during Veterans Court participation in one way or another. There were eight individuals who received four-year degrees during their Veterans Court tenure, another eight who earned a two-year degree, and three individuals who got a GED. Not

surprisingly, 16 of the 19 individuals who increased their level of education were program graduates. Figure 7 shows that a further nine participants (seven graduates and two non-completers) began taking college courses during their time in Veterans Court. Given the impediments to beginning and maintaining coursework while in the Veterans Court program, the fact that many individuals were able to increase their educational status suggests that the program is indeed helping participants increase their level of education, which will likely have positive downstream effects for employment prospects and housing stability.

**Figure 7:** Education Status Change from Veterans Court Start to Finish



All told, upon examining participants' changes in employment, housing, and education from program start to finish, it appears that many participants are improving their life stability in accordance with the goals of program. Yet, these goals are not widely distributed across all program participants and the gains tend to be concentrated among graduates. While it is not surprising that graduates enjoy the lion's share of the program's successes, Veterans Court needs to work for all participants, and not just the graduates.

## **Goal 6: Reduce Criminal Recidivism**

The last goal of the Veterans Court program that this study evaluates is whether the program reduces participants' contact with the criminal justice after the program. Evaluating this goal focuses on the "treatment effect" of the Veterans Court program. As such, it is insufficient to compare graduates to non-completers as both groups received the treatment. Instead, effectively addressing this goal requires comparing the cohort of Veterans Court participants to the group of individuals who are similar to our Veterans Court participants on many important levels, but did not receive the treatment as described above. Given that the two groups were matched upon all available variables (see Tables 16-20), difference of means tests are sufficient to determine differences in recidivism.

Before the recidivism analysis, there are several important definitions and caveats. First, it is possible that certain attributes not included in the array of matched variables could affect subsequent criminal activity in unobserved ways. Specifically, there is no military service information or life quality measures for the comparison group, and it is possible these groups differ on these attributes in a systematic manner. Although these unobserved differences could account for divergent outcomes between the Veterans Court cohort and the comparison group, the legal and extralegal variables used to match these two groups provide a solid basis for assuming these two groups recidivism are "equivalent and unbiased," as prescribed by NADCP 2015.

This study analyzes new criminal activity during a two-year recidivism window. The two-year window for Veterans Court begins on the day the individual leaves the program (either successfully or unsuccessfully). While some Veterans Court evaluations include the time a participant spends in the program as part of the recidivism window (e.g. Hartley and Baldwin 2016), this study does not for two reasons. First, as noted above, the Hennepin County Veterans Court program has policies and procedures to handle new criminal offenses committed during participation. Second, there is a major incongruence between the high levels of supervision participants receive while in the program and the absence of this supervision afterwards, and it is most valuable to understand how participants function once they leave the highly structured Veterans Court environment. As a result, it is ideal to use the end of each participant's tenure in Veterans Court as the beginning of the 730-day recidivism window.

For the comparison group, two-year follow-up period begins on sentence date of their instant offense. Because new criminal activity or probation violations on existing offenses can lead to jail time where individuals are physically incapable of recidivating, the two-year window takes into account the number of days an individual spends in jail/prison during this time, such that all participants have a full 730 days of non-incarcerated “street time” in which to recidivate.<sup>42</sup> NADCP’s (2015) best practice standards for treatment court evaluations suggest a three-year recidivism window. However, due to the relative youth of the Hennepin County Veterans Court combined with the 12-18 months it takes to finish the program, there are not a sufficient number of former Veterans Court participants with that length of a recidivism window after considering “street time.” Given the choice between analyzing more participants or a longer recidivism window, this study prioritizes the former.

Finally, the term recidivism can take on different meanings and measures, some of which are not appropriate for this study. For example, some problem solving court evaluations define recidivism as new arrests (e.g. Hartley and Baldwin 2016). Comparing arrests can be misleading because of inconsistent policies across different cities.<sup>43</sup> In addition, studies show higher arrest statistics for minority groups even when self-reported offending is similar to, or less than, that of white offenders (see ACLU 2014). As a result, using new arrests as a measure for recidivism is not an ideal choice.

Another possible definition of recidivism is a new criminal charge. One benefit is that formal criminal charges weed out arrests with no subsequent legal action. Yet, similar to arrests, criminal charges tend not to be distributed in an equitable manner and end up with systematically different dispositional outcomes. Johnson (2015), for example, found that African Americans are much more likely than Whites are to have their charges dismissed in Hennepin County, suggesting that prosecutors charge Black defendants more often with cases that ultimately cannot stand up in court. As a result, using charges as the measure of recidivism would likely affect different groups disproportionately, regardless of the legal outcome of the case. Most egregiously, equating charges with criminal activity potentially

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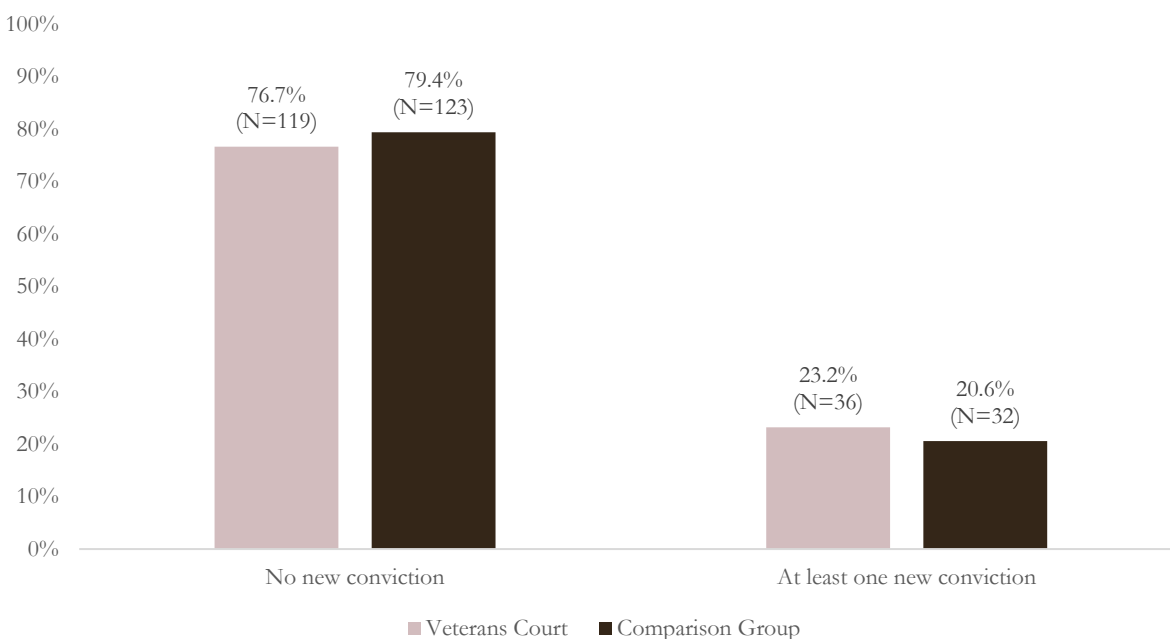
<sup>42</sup> Some individuals in both samples ended up with long prison terms that precluded them from having a full two years of street time. In these instances, the cutoff date for the recidivism window was June 1, 2016. Despite the fact that some individuals had less than two years of street time because of long prison sentences, these prison terms stemmed from convictions received during the recidivism window. Thus, the recidivism analysis adequately captures subsequent criminal activity even among offenders with less than 730 days of street time.

<sup>43</sup> There are dozens of police agencies in Hennepin County, each with different policies to adhere to and ordinances to enforce.

violates the spirit of “innocent until proven guilty,” which serves as the foundation of the United States’ criminal justice system.

Given these limitations, this evaluation uses new convictions to test for recidivism outcomes in the hopes that it will minimize potential sources of implicit bias and accurately reflect actual criminal activity. More directly, this study defines recidivism as a new conviction during the two-year follow up window.<sup>44</sup>

**Figure 8:** Percent of Veterans Court and Comparison Group who Recidivated



In the most general of terms, more members of the Veterans Court cohort recidivated than the comparison group, as Figure 2 above demonstrates. Specifically, the recidivism rate (the proportion of each group that recidivated, see Hartley and Baldwin 2016: 13) for the Veterans Court sample is 23.2%, while the recidivism rate for the comparison group is 20.6%. However, this difference does not rise to statistical significance, suggesting no demonstrable difference in criminal activity between the two groups.

<sup>44</sup> This analysis omits petty misdemeanor and payable misdemeanor traffic offenses, such as Driving after Revocation.

**Table 36:** Recidivism Analysis between Veterans Court Cohort and Comparison Group

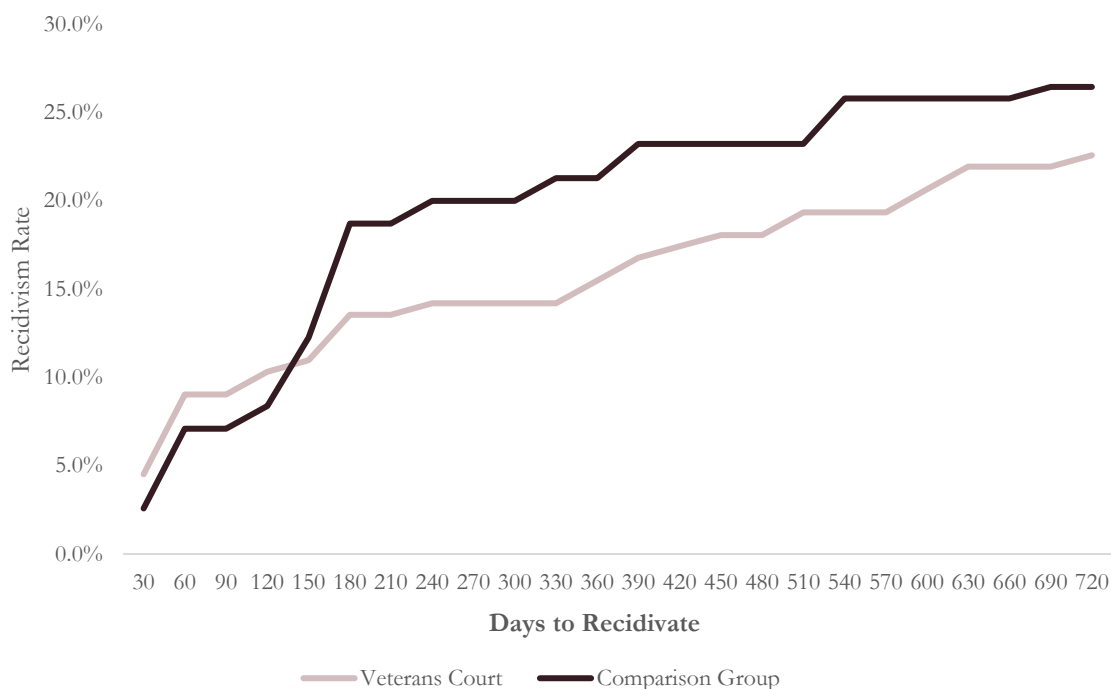
<i>Subsequent Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.6	0	31	2.7
Veterans Court	0.3	0	9	1.2
<i>Subsequent Gross Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.2	0	12	1.0
Veterans Court	0.1	0	1	0.3
<i>Subsequent Felony Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.2	0	5	0.8
Veterans Court	0.1	0	3	0.4
<i>Total Number of Subsequent Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.9	0	48	4.2
Veterans Court	0.5	0	10	1.4
<i>Any Subsequent Conviction (Yes or No)</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.2	0	1	0.4
Veterans Court	0.2	0	1	0.4
<i>Recidivism Points</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	1.3	0	59	5.6
Veterans Court	0.9	0	13	2.1

Table 36 above shows that differences in new convictions between the Veterans Court cohort and the comparison group are not statistically significant, regardless of the measure of recidivism. Despite the fact that a greater proportion of Veterans Court participants recidivated than the comparison group, the Veterans Court group averaged fewer convictions by offense severity and fewer recidivism points



(see Figure 10 below as well). Nevertheless, as mentioned, none of the differences in the ways to measure recidivism rose to statistical significance, indicating that Hennepin County Veterans Court is falling short of its goal of reducing criminal recidivism.

**Figure 9:** Time to Recidivate for Veterans Court Participants and the Comparison Group

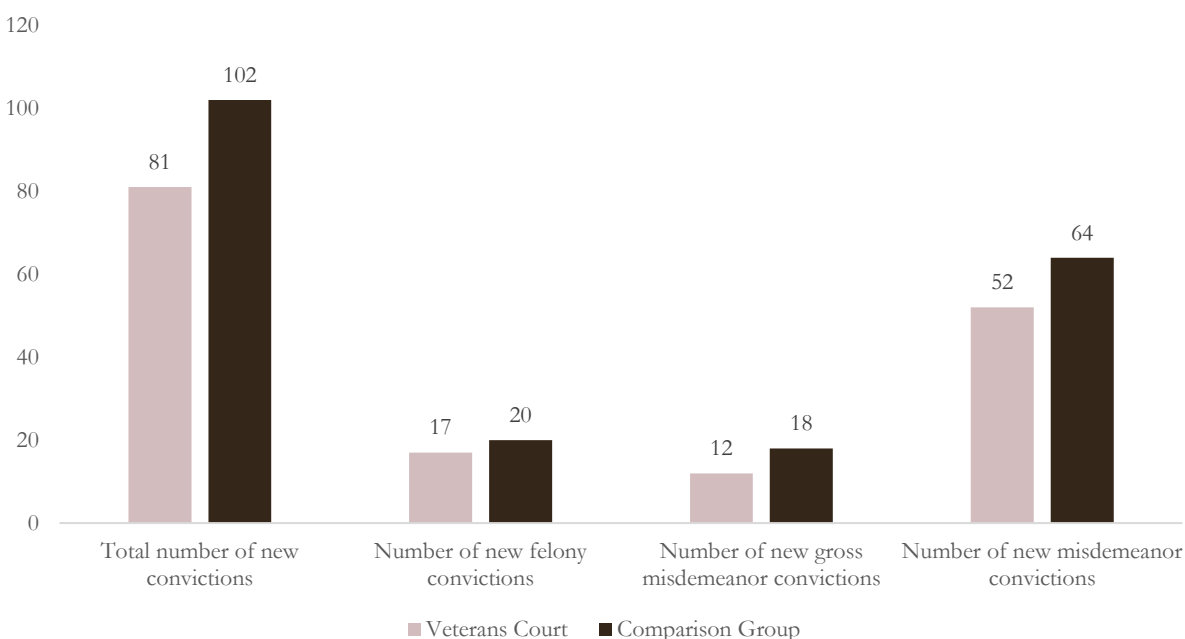


Despite the fact that Veterans Court participants do not recidivate at lower rates than the comparison group, it is worth noting different patterns of recidivism between these groups. Figure 9 above shows the time (in days) to recidivate for each group. While the overall recidivism rate is higher for the comparison group, Veterans Court participants have a higher recidivism rate in the first 120 days of street time. Specifically, the Veterans Court group recidivates more often in the first few months of street time. In contrast, the comparison group’s recidivism rate jumps dramatically between 120 and 180 days, when it leapfrogs the Veterans Court cohort’s recidivism rate.<sup>45</sup> Considering that many Veterans Court participants recidivate quickly, one policy recommendation is providing extra

<sup>45</sup> One possibility for the recidivism jump in the comparison group between 120 and 180 days of street time are changes in probation supervision levels. Unfortunately, court data cannot account for changes in probation supervision levels.

probation supervision to individuals who have just left Veterans Court, in the hopes that additional probation supervision will help reduce the risk of reoffending during the critical first several months.

**Figure 10:** Total Number of New Convictions, and New Convictions by Type



Another consideration is the type and number of new convictions for each sample. Figure 10 above documents the total number of new convictions garnered in the two year follow up period, which displays some differences between the Veterans Court cohort and the comparison group. The data show that during the two-years of street time, individuals in the comparison received more convictions than the Veterans Court group (102 to 81), which held across charge levels. However, as mentioned above, these differences were not statistically significant.

Although the full Veterans Court cohort did not recidivate less than the matched comparison group, looking exclusively at graduates of the program might produce different results. Hartley and Baldwin (2016) found that Veterans Court graduates recidivated less than the comparison identified by the authors. However, Hartley and Baldwin compared graduates to their full comparison sample, which is not appropriate as program graduates could differ in systematic ways from the full comparison group. To ensure that Veterans Court graduates receive a proper comparison group, this study once

again used propensity score matching to pair Veterans Court graduates with comparison group matched on race, age, gender, criminal history, and instant offense type.<sup>46</sup>

**Table 37: Recidivism Analysis between Veterans Court Graduates and Comparison Group**

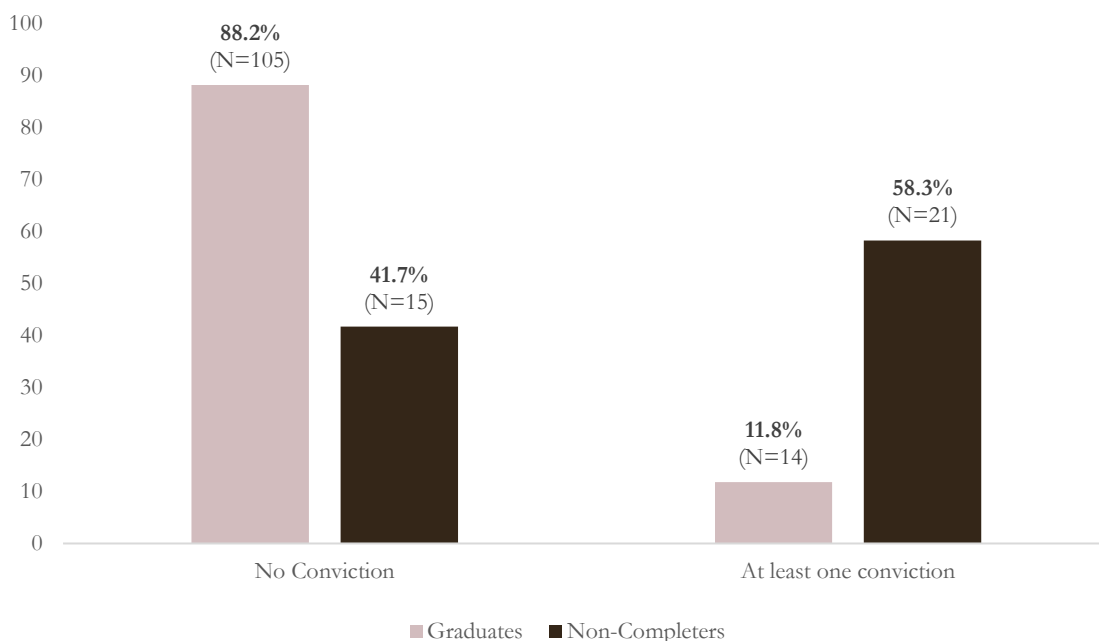
<i>Subsequent Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.3*	0	4	0.7
Veterans Court	0.1*	0	2	0.3
<i>Subsequent Gross Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.1	0	3	0.4
Vet Court Grads	0.1	0	1	0.2
<i>Subsequent Felony Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.1	0	4	0.4
Vet Court Grads	0.1	0	2	0.3
<i>Total Number of Subsequent Convictions</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.5*	0	8	1.1
Vet Court Grads	0.2*	0	2	0.5
<i>Any Subsequent Conviction (Yes or No)</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.3*	0	1	0.4
Vet Court Grads	0.1*	0	1	0.3
<i>Recidivism Points</i>				
	Mean	Minimum	Maximum	Std. Dev.
Comparison Group	0.7	0	17	1.9
Vet Court Grads	0.4	0	6	1.2

\* Statistically significant at the .01 level

<sup>46</sup> Once again, this study used a one-to-many match was used to Veterans Court graduates. There were 79 unique comparison group individuals yielding 119 observations. There were no statistically significant differences between Veterans Court graduates and the comparison group on the matched variables.

As Table 37 shows, there are some statistically significant recidivism differences between Veterans Court graduates and its matched comparison group. Principally, the average number of subsequent misdemeanor convictions, the average number of total convictions, and the proportion of individuals with a subsequent conviction were all lower for the Veterans Court graduate groups, differences that were all statistically significant. However, there were no statistically significant differences between these groups when looking at subsequent gross misdemeanor convictions, subsequent felony convictions, or the total number of recidivism points. Thus, the differences in recidivism between these groups largely revolved around the fact that the comparison group garnered more low-level convictions than did Veterans Court graduates. Nevertheless, the data clearly demonstrate that Veterans Court graduates reoffend less than a cohort of justice-involved veterans with similar profiles.

**Figure 11:** Recidivism among Veterans Court Graduates and Non-Completers



Successfully graduating from the program appears to produce beneficial post-program outcomes, which contrasting graduates against non-completers further highlights. Furthermore, Figure 11 above shows that the recidivism rate is much higher among non-completers than graduates (58.3% to 11.8%). Program graduates reoffended less at statistically significant rates across all measures of recidivism compared to non-completers (data not shown). Given that there is no difference in

recidivism between the Veterans Court cohort and the comparison group for all Veterans Court participants and statistically significant differences in reoffending between program graduates and that comparison group, the Veterans Court program must double down on helping all participants graduate, which will likely have positive spillover effects on achieving program goals.

In sum, while the Veterans Court program is largely unsuccessful in the narrowly tailored goal of reducing criminal recidivism when examining all participants, there were some important lessons. First, when former Veterans Court participants recidivate, most tend to do so quickly, which has implications for supervision levels after participants leave the program. Second, graduates of the program do indeed recidivate less, albeit only at the lowest charge level. Finally, Veterans Court graduates recidivate significantly less than non-completers. Since graduation curtails recidivism, it bears taking a deeper look into what makes success in Veterans Court more likely.

#### The Factors that Make Veterans Court Success More Likely

Given the post-program conviction discrepancies between Veterans Court graduates and non-completers as well as the recidivism differences between program graduates and the statistically-similar comparison group, discovering the factors that make program success more or less likely could help graduate more individuals from Veterans Court in the future (i.e. through identifying areas where additional services could be offered). In turn, this could make the Veterans Court program more effective at reducing criminal recidivism since graduates have better outcomes on that metric.

In determining what makes success in Veterans Court more likely, this study relies on logistic regression analysis looking only at program participants. Logistic regression allows for the inclusion of numerous variables to determine which ones affect program success while holding the remaining variables constant; that is, this method isolates the individual effect of each variable on program success independently of one another.

Choosing which variables to include in this regression analysis is somewhat difficult as there are immutable and dynamic factors at play during each participant's Veterans Court tenure. Whereas some factors will not change over the course of program participation—such as race/ethnicity, criminal history, and military service—other factors will change, in part because the program targets certain

areas—such as housing or employment status. In addition, participant behavior in the program is also important to consider—for example, whether participants test positive for illicit substances or choose to have a mentor. The regression model below includes several categories of variables to account for the factors that likely impact program success while accounting for these dynamic and fixed participant attributes. A first array of variables is demographic, and includes age and race/ethnicity.<sup>47</sup> This model excludes gender as there is minimal variation—only 3% of the sample is female.

The second set of variables relates to the criminal profile of each participant, and includes criminal history points and the level of the instant offense (specifically whether the charge was a gross misdemeanor).

The third set of indicators are military-specific variables, specifically whether the participant exited the military at a rank of E3 or below and whether the participant's discharge status was anything less than “honorable,” with the presumption that a low rank or discharge status might impede program success.

The fourth set of variables consists of three quality of life measures: whether the participant began the program with high education,<sup>48</sup> whether the participant had a low housing trajectory,<sup>49</sup> and whether the participant had a low employment trajectory.<sup>50</sup>

The final array of indicators centers on in-program events and participant behaviors. This model considers whether the participant had a mentor, whether the participant spent any time in jail on their instant offense during program participation,<sup>51</sup> whether a judge issued any warrants against the participant during program participation,<sup>52</sup> and whether the participant had any positive drug tests.

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<sup>47</sup> We also include the squared value of age in the model. Adding the square of the age allows the model to test the effect of age—which may have a nonlinear relationship with the dependent variable—more accurately. For example, it is possible that age has a negative relationship with Veterans Court success up to a certain point, and a positive relationship thereafter. Given the tendency of criminogenic tendencies to change as individuals grow older (see Loeber and Stallings 2011), modeling age as a potentially nonlinear variable by including its squared value is germane.

<sup>48</sup> Defined as whether the participant had already completed a two- or four-year degree.

<sup>49</sup> Defined as whether the participant was homeless from start to finish or became homeless during participation.

<sup>50</sup> Defined as whether the participant was unemployed from start to finish or became unemployed during participation.

<sup>51</sup> Which could be a sanction from the judge for some infraction of program rules.

<sup>52</sup> Which might indicate a formal response to a serious breach of program rules.

The results of the model are in Table 38. Several variables are statistically significant in the model (denoted with an asterisk), suggesting that some indicators have an impact on program success.<sup>53</sup>

**Table 38:** Determinants of Veterans Court Success

Independent Variables	Coefficient	Std. Error	Significance Level	Odds Ratio
Nonwhite	-0.655	0.57	0.248	0.519
Age	0.210	0.18	0.255	1.234
Age Squared	-0.002	0.00	0.364	0.998
Criminal History Points*	-0.100	0.04	0.015	0.905
Gross Misdemeanor Instant Offense*	1.943	0.67	0.004	6.979
Exited Military at Low Rank	0.064	0.61	0.917	1.066
Less than Full Honorable Discharge	-0.719	0.85	0.396	0.487
Low Housing Status	-0.227	0.68	0.740	0.797
Low Employment*	-2.083	0.81	0.010	0.125
High Education at Start	0.273	0.82	0.738	1.315
Mentor During VC*	2.430	0.93	0.009	11.354
Some Jail Time Served during VC	0.927	0.75	0.218	2.528
Warrant Issued During VC*	-2.114	0.65	0.001	0.121
Positive Drug/Alcohol Test	0.079	0.62	0.899	1.082

\* Statistically significant variable; Pseudo R<sup>2</sup> = .4482; N=155

A first finding of the model is that the level of charge matters for program success. Participants who enter the program facing gross misdemeanor charges are far more likely to graduate from the program as compared to participants facing felony or common misdemeanor charges.<sup>54</sup> The odds ratio statistic in the final column of the table suggests that the odds of graduation for participants facing gross misdemeanor charges are almost seven times greater than the odds of graduation for participants facing felony or common misdemeanor charges. In another regression analysis (not shown) the results indicate that having a misdemeanor as an instant offense charge is detrimental to program success

<sup>53</sup> The Pseudo R-square value of .4482 suggests that the variables included in the model explain about 45% of the variation in program success.

<sup>54</sup> As Table 16 above shows, 55 of the 70 gross misdemeanor instant offenses (78.6%) were for *Gross Misdemeanor DWIs*.

compared to a felonies or gross misdemeanors, whereby the odds of program failure for participants with misdemeanor instant offenses are 4.7 times higher than individuals facing felony or gross misdemeanor level instant offenses. Interestingly, there is no statistically significant effect of entering the program with felony level instant offenses, despite this being the most serious level of charge. The statistically significant effect for some instant offense types has important implications, whereby gross misdemeanor participants likely require less supervision and programming than other participants do. The greater likelihood of failure for participants facing misdemeanor instant offenses might revolve around the fact that the rigors of the Veterans Court program do not compare well with typical sentences for low-level offenses. We discuss the implications of this finding in more detail in the recommendation section.

A second variable that rose to statistical significance is criminal history, whereby a greater number of criminal history points make program failure more likely (see above for the definition and calculation of criminal history points). More directly, each additional criminal history point increases the odds of program failure by about 10%. Thus, the odds of program failure for an individual with a prior “person felony” conviction are 40% higher than the odds of failure for an individual with no criminal history. Given the links between an individual’s prior convictions and program outcome, the Veterans Court team should provide varying levels of supervision and programming commensurate with a new participant’s criminal history.

The regression analysis also suggests that individuals who are unemployed throughout their entire tenure in Veterans Court or who become unemployed during participation are less likely to complete the program successfully. Specifically, the odds of failing to complete the Veterans Court program are eight times higher for individuals who are unemployed from start to finish or who become unemployed while participating. This was the only “life quality” metric that rose to statistical significance in the regression analysis; that is, housing status and education status had no statistically significant relationship with program outcome. The Veterans Court team should continue devote additional resources for participants who enter the program unemployed and those whose employment situations are potentially unstable.

One variable capturing in-program participant behavior rose to statistical significance: having a warrant issued while an active participant. The odds of Veterans Court failure for participants who



have a warrant issued against them during program participation are 8.2 times greater than participants who do not have a warrant issued against them. A warrant issued against a Veterans Court participant likely demonstrates that the participant is out of compliance with program rules, suggesting suboptimal program progression. Importantly, warrants do not lead to program failure automatically: according to Table 26, 30 out of 119 eventual graduates received a warrant while an active Veterans Court participant. Rather, warrants are red flags. When a participant behaves in a way that merits the issuance of a warrant, it is likely a warning sign that they are at risk of failure, and the team should take additional steps to work with the participant on correcting behavior after they receive a warrant.

Finally, that last statistically significant independent variable, and one of the most potent predictors of success was whether the participant had a mentor during Veterans Court participation. Controlling for all other factors, the odds of graduation for participants with a mentor are over 11 times greater than for participants not paired with a mentor. By virtue of the shared experience of being in the US Armed Forces, mentors can assist Veterans Court participants in a manner that is difficult for other members of the Veterans Court team. Thus, a clear recommendation from this study is that the Hennepin County Veterans Court program must quickly ramp up its mentor program as soon as possible, which would also allow the program achieve its goal of connecting participants to social supports.

This regression model suggests several factors enhance or inhibit participant success. It appears that some participants are more primed for success right away. Specifically, participants with less extensive criminal histories facing gross misdemeanor charges who are not homeless tend to be more likely to graduate. Yet, events that occur during the program matter as well: receiving a warrant imperils a participant's chances of success while having a mentor greatly boosts the prospects of graduation.

## **RECOMMENDATIONS**

Many recommendations follow from the evidence uncovered in this evaluation. First, given that graduates have better post-program outcomes than non-completers, a main goal of the program going forward should be to graduate more participants. Of course, the designation of "graduate" does not improve participant outcomes on its own, and watering down the graduation criteria in the hopes of graduating more participants would be counterproductive. Rather, the behavioral changes the program

helps foster serve as the foundation for the enhanced outcomes graduates enjoy. This evaluation of the Hennepin County Veterans Court program identified several explicit areas in which the program can improve participants' likelihood of graduation.

First, participants who had a mentor were far more likely to complete the program successfully than were individuals without a mentor. Despite the success of the mentor program, which assisted the Veterans Court program in its goal of improving family relationships and social support connections, the mentor program effectively ceased functioning for several years. Thus, a first major recommendation would be to expand the newly revamped mentor program as soon as possible.

Furthermore, the program should be judicious with which participants receive a mentor. If mentors are in short supply, the program should pair participants most at risk of failure with mentors. The data analysis above identified several participants attributes associated with program failure. For example, individuals referred to the program with more extensive criminal histories are more likely to fail, and can be given higher levels of supervision immediately. In addition, since participants with gross misdemeanor instant offenses were far more likely to succeed than participants facing felonies or misdemeanors, gross misdemeanants likely need much less supervision and fewer services, especially those with no criminal history and stable employment. Tailoring levels of supervision and services to a participant's needs will help stretch the pool of resources at the Veterans Court team's disposal.

While gross misdemeanor instant offenses were associated with higher rates of graduation, participants facing misdemeanor level charges were prone to failure. One potential reason for the high failure rates of misdemeanants is that the rigors of Veterans Court might appear more expensive in terms of time and effort than the typical criminal sentence for a misdemeanor, causing these participants to drop out of the program in favor of the traditional criminal court process. Yet, these individuals might be in desperate need of the program's services despite the low-level charge. In order to discern which misdemeanants are most appropriate for the program, the Veterans Court team should include a validated risk/needs assessment during participant screening. Indeed, in an evaluation of a Veterans Court that accepted only misdemeanants, Hartley and Baldwin (2016) found that higher criminogenic

risk levels affected recidivism.<sup>55</sup> Ideally, participants would receive an assessment at program entry to ensure the program understands their risk level and serves their needs.

Employment status was another factor that influenced graduation rates. Specifically, individuals who were unemployed from beginning to end or became unemployed during program participation had a higher likelihood of not completing the program. Problematically, criminal offenders often face hurdles securing gainful and stable employment (Pager 2003) and veterans of certain military conflicts tend to have higher rates of unemployment than nonveterans do (Baldwin 2016). While Minnesota has taken strides to reduce the effect of a criminal record in employment decisions, the Veterans Court team should be diligent in identifying participants who present as unemployed or have unstable employment situations in order to reduce this barrier to graduation.

One aspect that has not received much attention thus far is the very low graduate rate of Native American participants. Although they do not represent a large proportion of participants—a “small sample size” to use common parlance—five of the six Native American participants evaluated in this study did not complete the program. In contrast, the vast majority of participants in every other racial/ethnic group in the study successfully graduated. Fortunately, the graduation rate of Native American participants who have exited the program since 2014 has greatly improved, with four out of six successfully completing the program (a 66.7% graduation rate). Yet, this improvement still falls short of the overall graduation rate for all participants who have exited the program since 2014 (69.7%). Community-based providers that offer culturally specific services to Native American participants who strongly identify with Native culture might be more effective than traditional VA services. Alternatively, the VA has an Office of Tribal Government Relations (OTGR) that “consults with Native American and Alaska Native tribal governments to develop partnerships that enhance access to services and benefits by Veterans and their families.”<sup>56</sup> A recommendation of this study is for the VA liaisons on the Veterans Court team to study whether the OTGR can provide culturally specific services or help link participants to culturally competent service providers.

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<sup>55</sup> This jurisdiction used the Wisconsin Risk/Needs Scale to measure risk and need.

<sup>56</sup> See: <http://www.va.gov/tribalgovernment/>

The recidivism analysis showed that many Veterans Court participants recidivated quickly upon leaving the program. One way to reduce reoffending would be to lessen supervision levels after participants leave the program only gradually. During program participation, participants are subject to high levels of supervision and expectations, much of which ceases after leaving the program. Instituting a graduated scale that maintains some of the program structure in the first couple of months after a participant leaves the program and then tapers off in the subsequent months might help participants remain law abiding in the short and long term. Fortunately, the program recently began holding post-program review hearings for participants who have left the program, although it is too early to discern whether these post-program hearings have affected recidivism rates.

Finally, the program can easily adopt changes to move closer to NADCP's best practice standards for treatment courts. As mentioned in the section evaluating the program's sobriety goal, the program is not screening participants for illicit substances in a systematic manner. Specifically, upwards of 44% of the participants in this evaluation received no DOCCR-administered drug tests while active in the program. Although there is suggestive evidence that DOCCR is screening a greater number of participants now, the Veterans Court team should adopt a truly random drug testing policy for all participants. Furthermore, the program has never had any procedures in place to capture incentives and sanctions. Tracking rewards and penalties stemming from participant behavior could help the program enhance its behavioral modification regimen.

These recommendations are the product of a rigorous program evaluation, and could help the next wave of veterans succeed in the program while helping the program meet its goals.

## **CONCLUSION**

Hennepin County initiated its Veterans Court program in 2010. Since then, the program has served hundreds of clients. The Hennepin County Veterans Court enjoys an admirable graduation rate relative to other treatment courts, yet judging its success requires examining whether the program is meeting the goals it set for itself. The scorecard in Table 39 below reflects the findings of the thorough evaluation of program's goals and highlights some of the successes and shortcomings.

Starting with the goal of enhancing participant sobriety, success was difficult to discern because of the relative lack of drug testing that took place. The program should work to increase the number of drug

tests participants are required to submit during and after the program by adopting a truly random drug-testing regimen. While the rates of positive drug tests in the program are not high, over two-fifths of participants never had to take a drug test, making it difficult to determine the degree to which the program actually facilitates participant sobriety.

**Table 39:** Goal Assessment for Hennepin County Veterans Court Evaluation

Goal	Assessment	Rationale
1) <i>Facilitate participant sobriety</i>	Needs improvement	Over two-fifths of all participants never drug tested; No random drug testing regimen; Should continue testing after program completion when participants are on administrative probation
2) <i>Increase compliance with treatment and other court ordered conditions</i>	Meets goal	Most participants have successful treatment outcomes; Participants leave program with additional diagnoses to manage; Warrants are more detrimental to program success than in-program charges/convictions
3) <i>Improve access to VA benefits and services</i>	Meets goal	Program has been highly successful increasing participants' access to benefits
4) <i>Improve family relationship and social support connections</i>	Partially meets goal	Participants tend to enhance prosocial relationships and activities during participation. Program needs to expand the rebuilt mentor program as soon as possible.
5) <i>Improve life stability</i>	Partially meets goal	Need additional attention to improve employment opportunities and housing stability
6) <i>Reduce criminal recidivism</i>	Needs improvement	Veterans Court participants did not recidivate less than a matched comparison group of veteran offenders, though they did have fewer total new convictions; Veterans Court graduates reoffended less than a matched comparison group.

The program fared better on the goal of increasing compliance with treatment and other court ordered conditions. Most participants were engaged in at least one formal behavioral health treatment program, and the vast majority of these individuals successfully completed the treatment referral. Furthermore, due to the additional access to mental and chemical health services, participants tend to have more robust and accurate chemical and behavioral health diagnoses at program exit, helping them to receive the correct treatment regimen going forward. Finally, few participants picked up new criminal charges while active in the program, indicating compliance with the program's behavioral expectations.

The most successful program goal was helping participants improve their access to VA benefits and services, whereby over half of participants saw their access to VA benefits increase during program participation (the majority of whom the VA already served). Furthermore, the percentage of participants not receiving benefits between program entry and exit dropped from 25.2% to 7.7%. Having representatives from the VJO and the VBA on the Veterans Court team appears to be instrumental in helping veterans receive the benefits they deserve.

Moving to the goal of enhancing family relationships and improving social supports, the number of prosocial activities and relationships tended to increase over the course of program participation—especially for graduates—suggesting many individuals are enhancing the array of positive social supports due to the program. In addition, participants paired with a mentor succeeded at higher rates than individuals without a mentor. Despite the success of the mentor program, which assisted the Veterans Court program in its goal of improving family relationships and social support connections, the mentor program did not function between 2014 and 2015, and is only getting up and running again in 2016. Despite the difficulties sustaining the mentor program, the Hennepin County Veterans Court program was quite successful overall in the goal of improving family relationship and social support connections.

The program was largely successful in the goal of improving life stability. Many participants increased their levels of education, housing stability, and employment, while many more maintained high levels of life stability throughout the program. Nevertheless, there is still work to do, especially in the areas of housing, where 14 individuals were homeless upon graduation. Despite new national and state programs intended to help end homelessness among the veteran population, the program must

provide veterans in the criminal justice system additional or different assistance to ensure all participants have stable housing. In addition, 24 participants left the program unemployed. Finding suitable work can be difficult, especially for individuals who have had contact with the criminal justice system, but with the Minnesota Department of Employment and Economic Development (DEED) at the table, it should be easier to find stable and suitable employment for all interested participants.

Finally, Veterans Court participants do not recidivate less in the two years after they leave the program than the comparison group of US Armed Forces veterans who did not participate in the program. However, this analysis demonstrated that the Veterans Court cohort recidivated in different ways than the comparison group. First of all, even though the proportion of Veterans Court participants who recidivated was not statistically different than the proportion of the comparison group who committed new criminal offenses, Veterans Court graduates were convicted of fewer new offenses than the comparison group during the two year window. Second, the Veterans Court participants who recidivated did so quickly after exiting the program: more than half recidivated within several months. Following the recommendation of a graduated drawdown in supervision after leaving the program could help further reduce reoffending and help the program fully meet this goal going forward. Finally, Veterans Court graduates did recidivate significantly less than a match comparison group of justice-involved veterans who were statistically identical to program graduates. This suggests that program graduates maintain the behavioral changes developed during Veterans Court.

Despite the fact that this evaluation shows that the Hennepin County Veterans Court did not meet all of its goals, it bears mentioning that in the final analysis the program is by no means failing. Even in the areas where the program needs improvement, there are tangible successes and highlights, and low-hanging fruit that provide opportunities for change. Indeed, the deficiencies with the goal of enhancing participant sobriety can improve by moving closer to the best practices for drug testing as articulated by the NADCP. Furthermore, rebuilding the mentorship program could enhance the graduation rate and help reduce recidivism. Thus, identifying and codifying changes to enhance program outcomes is well within the grasp of the Steering Committee.

In several years, the Hennepin County District Court Research Division will evaluate the Veterans Court program again, likely examining participants active between 2014 and 2016. Historically, the retrospective nature of evaluations exposes data collection and quality issues that are difficult to

reconcile; at best, filling in these gaps requires time and energy, at worst, these difficulties result in missing data. However, the improvements made to Treatment Court data collection and data management since 2014—principally the creation of the Hennepin County District Court Treatment Court Database and the Research Division team member hired to manage Treatment Court data—should expedite this subsequent evaluation while minimizing missing data issues. It is hopeful that the next Veterans Court evaluation will demonstrate even more program successes.



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